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# INTRODUCTION

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*Amongst the famous trials in history the trial of Rafiq Sabir Mazangavi, the assailant of Qaed-e-Azam Mahomedali Jinnah has a definite place.*

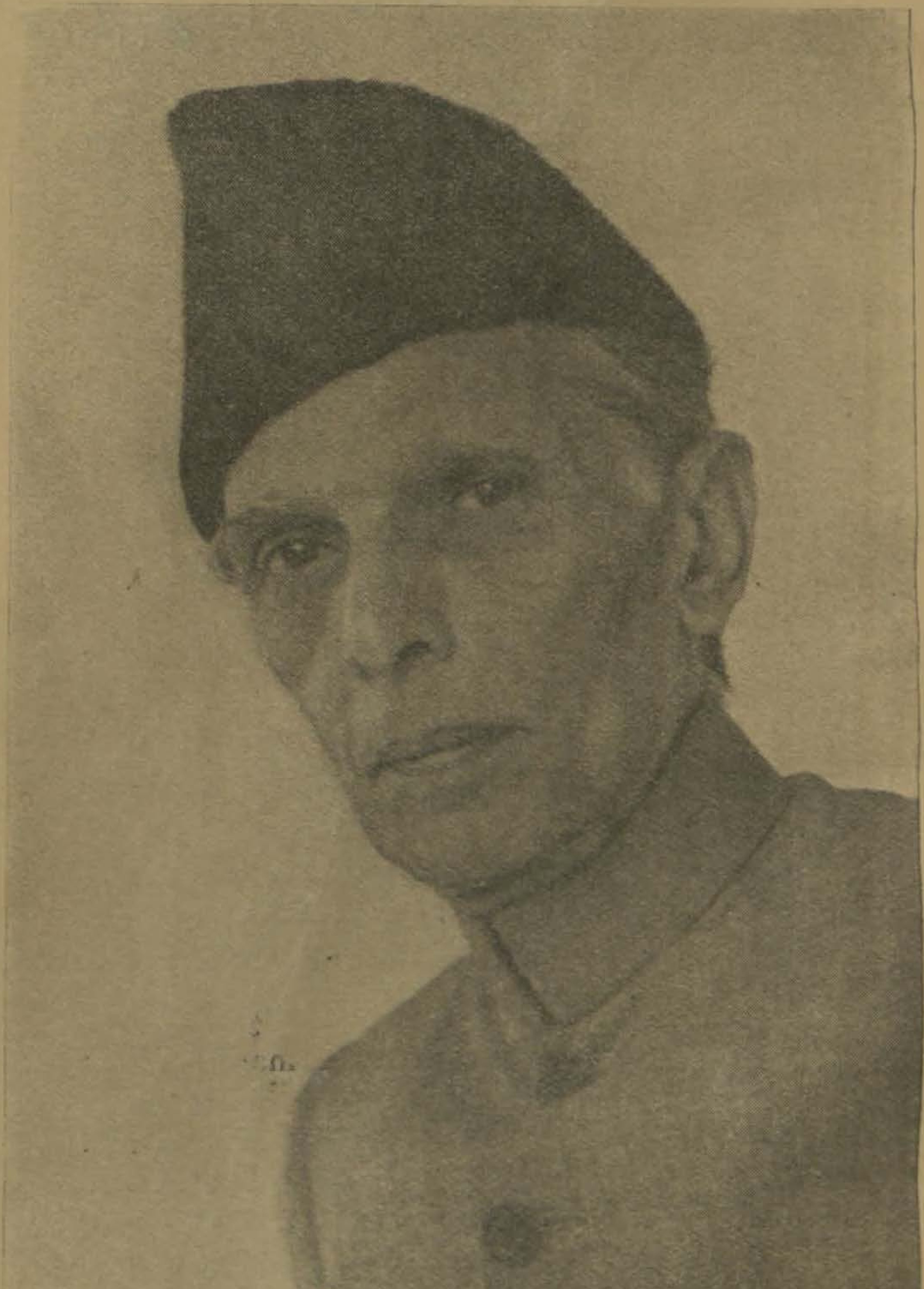
*In India, political crimes are rare and far between. Therefore the trial of Mr. Jinnah's assailant is likely to arouse a great deal of interest amongst the Indian public.*

*It is with the object of catering to the desires of such people, and particularly those flung in the far corners of this country, who are eager to know what happened on that fateful 26th day of July and what transpired in Court, that this little brochure has been written. I claim nothing more.*

*Four chapters have been devised to make easy reading. The reader is taken through the different phases from Mount Pleasant Road to the Court and then through the proceedings during the trial which culminated in the conviction. The record of the trial is authentic and the depositions of the witnesses have been scrupulously reproduced.*

*A pen portrait of Mr. Jinnah is included in order to give to the layman an understanding of the life and recent political convictions of a man who has risen to a height unknown in the history of the Mussalmans of India.*

*Bombay, December 1943.* "A BARRISTER-AT-LAW"



MAHOMEDALI JINNAH.

I

# QAED-E-AZAM MAHOMEDALI JINNAH

"By thine own soul's law learn to live
And if men thwart thee take no heed;
And if men hate thee have no care
Sing thou thy song and do thy deed;
Hope thou thy hope and pray thy prayer."

*Sarojini Naidu*

" In a few years we have made of the Muslims of India, who were only a crowd, a nation. They were a scattered mass, disorganised and apathetic. The Muslim League has electrified them, roused them from their stupor and knit them together. We have gone through a process of nationalisation and now we have one flag, one platform and one voice," Thus declared Qaed-e-Azam Mahomedali Jinnha inaugurating the third Annual Session of the Baluchistan Muslim League early in 1943.

From "the best ambassador of Hindu-Muslim Unity" as he was then called to the Qaed-e-Azam preaching one voice, one flag, and one ideal—Pakistan—is a far cry. Starting with an ambition to be a Muslim Gokhale and ending by being the unquestioned leader of eighty million Mussalmans of India and leading them in their crusade of separate homelands for the Mussalmans makes fascinating study. The contradiction which appears on the surface proves on closer examination to be a consistent pattern which is logical, and a natural consequence of the evolution and growth of the Congress under Mr. Gandhi's leadership.

From very early years, Mr. Mahomedali Jinnah displayed a marked interest in the life and conditions around him. Even at the tender age of fifteen, with limited knowledge and immature wisdom he was known to hold

forth to an audience twice his age and to keep them spell-bound in discoursing upon the merits or the demerits of some local event in Karachi.

Study and book knowledge never appealed to him and in them he showed no marked proficiency. The small world around him was the object of his interest and public events were the books he studied.

Gay, handsome and dashing, he was the favourite of his mother and an object of admiration to the tiny community of Khojas to which his father belonged. Trade and commerce were the life blood of the Khojas and Jinnah's father had prospered and established a reputation in the city of Karachi.

Naturally it was expected that young Mahomedali would take over the mantle of his father and continue the business traditions so zealously built up. But Jinnah had a different ambition. Though, in 1892, at the very tender age of 16 he left for England primarily with the object of opening and establishing commercial connections in London, it is suspected that even then Jinnah had a different object in mind. It was not commerce that made him undertake and risk the hazards of a voyage to England at that young age—but something bigger, something more ambitious.

Once in London he was in a different and a strange world—but a world of his own vision. After his efforts at business proved abortive due to the difficulties his father began to experience in Karachi, Jinnah induced and prevailed upon his parent to allow him to stay on and study for the Bar. With pluck and determination he settled down in his new surroundings and became accustomed to Western ways and habits of life.

He soon enrolled himself at Lincoln's Inn in London, and began reading for the Bar. He did not join any University and most of his spare time—apart from the study of the Law—he spent at the library of the British

Museum reading and studying the lives of great men. One day in London, during the Round Table Conference, in an expansive mood, he told me of the large number of the lives of great men—both religious and political thinkers—that he had read and studied and how useful and instructive he had found them. His other activities, apart from study, were not negligible. Fortunately for himself and India, the contacts he made at that impressionable age were of the healthiest character and played an important part in the formative process which made the Jinnah of later years. In this Dadabhai Naoroji—the grand old man of India—played a leading part. It was under him that Jinnah received his first lessons in politics and public life and the training and the contacts were not lost on him in later life.

Jinnah was called to the Bar in 1896 at the very young age of 21 and in the same year he returned to India. He was soon to taste the hardships and grim realities of life. Shortly before his return, the family business was not going too well. Some unwise undertakings had involved his father in difficulties and Jinnah found him a ruined and a broken man. But this was not the worst. Before the crash, his father had entered into some transactions in the name of Jinnah and these too had gone wrong. On arrival in India, therefore, Jinnah had not only to face financial difficulties but also litigation. Undaunted he faced his opponents and in conducting and winning his own case he registered his first triumph in the practice of the law.

With his greater ambition he found Karachi too small a field for his legal activities and in 1897 he came to Bombay to set up practice at the High Court, and conquer the world equipped with nothing but the charmed missiles of his youth, his courage and his ambition.

The first three years were a period of severe hardship and trials. But buoyant patience and determination to succeed soon bore fruit. Through the kind offices of an old

friend he was granted permission to read in the chambers of Mr. Macpherson, then the acting Advocate General of Bombay. This was the starting point which soon set him on the road to success. Occasional briefs now began to dribble in and the obscure young lawyer soon proved his mettle and started to lay the foundation of his notable legal success and fame which resounded throughout the country.

To what does Jinnah owe his phenomenal success? That is the question frequently asked. One of his colleagues at the Bombay Bar, and one who was closely connected with him supplies the answer. It is because Jinnah adopted the motto of Danton:— "l'audace, l'audace, toujours, l'audace." In a man of such delicate personality it is indeed surprising that there should be such a fund of pluck and audacity. Since the day when as a little boy, he found himself all alone in the vast wilderness of the city of London, he has fought his way up. With no connections, with hardly any means, with highly problematic prospects for Indians in those early days, he struggled at the Bar, confident in himself and in his star.

Jinnah may not be considered a great lawyer. But as an advocate he occupies a place which is unique in the country. Great lawyers and men many years his senior acknowledge him their master in the art of advocacy. He is a pure artist in the manner and method of his presentation. He has that uncanny ability of making the most complex facts, simple and obvious. He can be ferociously aggressive or almost boyishly persuasive as the occasion demands. Besides, he possesses a remarkably clear head and a fund of common sense, that most uncommon of qualities.

Jinnah's life and struggles are a heartening example to many a junior struggling to-day at the Bar. In every profession there are short cuts to fame and success. But Jinnah has always chosen the high and difficult path of honour and integrity and yet reached his heart's desire.

However much the Hindu members of the Bombay Bar, dislike and disagree with his political convictions, they one and all applaud him for upholding and maintaining the highest traditions of the Bar. He has always kept aloof from the heat and the dust of the matter-of-fact world with its intrigues and squabbles. Squalor and corruption have left him untouched.

The talents which helped him to success in the legal world, were pre-eminently suited to a political career. Combining in himself two of the rarest gifts,—a heart fired by great fervour and sincerity and profound vision and intellect, he was destined to play a prominent part in the world of politics. Jinnah is gifted with a unique and characteristic style of speaking which he has carried with him into every sphere of life. He has the triple assets of a magnetic presence, an impressive delivery and a voice, which lacking in volume has an arresting timbre. With unusual powers of persuasion, luminous exposition, searching argument and sound judgment he earned for himself an enviable reputation as a great debater. At the Annual Session of the Indian National Congress he began to occupy a cherished place and considerably helped to guide and direct its plans and policies.

In the autumn of 1910 he made his début in practical Indian politics when he was elected by the Mussalmans of Bombay Presidency as their representative to the Supreme Legislative Council. In this rôle he earned the gratitude of progressive India in supporting liberal measures involving the larger national welfare. Piloting the intricate and controversial Wakf Validating Bill successfully through the Council was one of the outstanding performances that stands to his credit.

In the meanwhile, Muslim India, always passionately faithful to its own spiritual traditions began to be aware of its own political inheritance. The period of suspicion and aloofness which had characterized the Muslims ever since the Mutiny was liquidated and an era of awakening to its own responsibility in shaping the national future

was heralded. Towards this end, the All-India Muslim League started a few years previously, was expanded and remodelled on more progressive lines at the 1913 Sessions at Calcutta.

Jinnah pledged to the greater national welfare, had with characteristic independence and honesty kept apart from the movement, till then so frankly and exclusively sectarian in its purpose. But by an act of courtesy he was invited to the momentous sessions, where he gave his invaluable support to the adoption of the new Constitution. The Muslim League thus fell in line with the Congress policy of attaining under the aegis of the British Crown, a system of Self-Government suitable to India through constitutional means.

It was in the year 1913 in England, on the eve of his departure for India, that Jinnah formally enrolled himself as a member of the All-India Muslim League. In keeping with his high sense of honour, he made it a condition precedent that loyalty to the Muslim League and Muslim interest would in no way and at no time imply disloyalty to the larger national cause to which his life was dedicated.

From now on he took a leading part in the counsels of the Muslim League and with that broad vision and absence of all sectarian bias he led it along the path of greater national honour and welfare. Jinnah has always striven to bring about a real and lasting understanding between Hindus and Muslims, the two major elements in the Indian body politic. He has always been convinced and rightly so, that no real progress was possible without such an understanding. In bringing about the Lucknow Pact in 1916 he rendered a signal service to the national cause by uniting the Muslims and Hindus in a common ideal.

But alas, suspicion, old hostilities and a growing desire on the part of the Hindus to appropriate power to themselves undid the efforts of a decade. Then came the first Civil Disobedience Movement of Mr. Gandhi. Leaders

all around were being drawn into the vortex of non-co-operation with all its implications without first laying a solid foundation of Hindu-Muslim understanding. Jinnah steadily maintained his opposition to that movement, risking his popularity and earning a great deal of undeserved opprobrium. But with that foresight and uncanny instinct he foretold the failure of the movement and refused to be carried off his feet by impulse and emotion. Sentiment has no place in his armoury. To him life is logic. It is the rigid and unflinching test of logic that he applies to every problem that comes up before him. It was this test that enabled him to advise his followers to keep away from the periodic emotionalism of Mr. Gandhi.

Undaunted by past failures Jinnah continued to work for Hindu-Muslim rapprochement and towards that end consolidated and led the progressive and national elements in the Muslim League. In the successive Sessions of the Muslim League in 1924, 1925 and 1926, Jinnah defined the position of the Mussalmans in respect of any forthcoming changes in the Indian Constitution. The terms embodied were extremely moderate and fair. But it seemed that the provision for separate electorates caused undue opposition and hostilities from the Congress and the Hindu Mahasabha.

To meet the wishes and demands of the Hindu leaders, Jinnah himself then convinced of the wisdom and advantages of joint electorates made heroic efforts. Therefore in 1927, the Muslim leaders met in Delhi at the instance of Jinnah and mainly through his masterful advocacy, unanimously agreed to accept joint electorates on the condition that Sind was separated from the Bombay Presidency and constituted into a separate province; that reforms were introduced in the North-West Frontier Province and in Baluchistan on the same footing as in any other province in India; that in Punjab and Bengal representation should be in accordance with population; and that finally in the Central Legislature Muslim repre-

sentation was not to be less than a third and that too by joint electorates. What more could the Hindu leaders want?

When the Congress substantially accepted these proposals, there was universal rejoicing. The millennium was at hand. At the subsequent discussion at the All Parties Conference in Delhi in 1928 to draw up an agreed Constitution for India, the opposition of the orthodox and die-hard Hindu leaders began to crystallize. Under this influence, even the Congress receded from the position it had so far adopted and in the subsequent discussion which culminated in the Nehru Report, the Muslim League and representative Muslim opinion was not consulted.

Jinnah made one more effort to come to a settlement, by getting the Muslim League to send a delegation to the All Parties Convention at Delhi in December of 1928 to put the moderate and just demands of the Mussalmans on the basis of joint electorates. These demands were summarily rejected by the Convention and the League delegates withdrew from further discussion. This was a great disappointment to Jinnah. He had courageously fought the reactionary Muslim element within the League and had even gone to the length of splitting the League into the Jinnah League and Shaffi League on the twin issues of joint electorates and the Simon Commission. He had extended his hand of co-operation and compromise for the greater national welfare. That hand of friendship was spurned by the Congress and the Mahasabha. The Hindu leaders were not in a frame of mind to share even a vestige of power with the Mussalmans.

Years rolled by. The Simon Commission with its attendant agitation and mass protest came and went. Mr. Gandhi and the Congress started the second Civil Disobedience Movement to paralyse the British Government. Hindus and Muslims once again came together under the stress of emotion and on the common issue of hatred of the British Government. There was shooting, lathi charges and mass arrests and many Muslim and Hindu leaders were locked in jails.

The British Government began to realize the depth of feelings of the Indian people and as a compromise decided to convene a Round Table Conference of all parties in London.

The years 1930 to 1934 saw the farce and futility of that show and once again demonstrated the uncompromising attitude not only of the Hindu leaders but even of Mr. Gandhi as the representative of the Congress. Here again it can be said to the credit of Jinnah—and Jinnah alone, that he refused to act on the Minorities Sub-Committee under the chairmanship of Mr. Ramsay Macdonald, as he put it, "to wash dirty linen before our White Master." Jinnah always believed that the Hindu-Muslim problem was a domestic problem and one capable of solution between Hindus and Muslims themselves with a little give and take and without any foreign intervention.

In spite of his past experiences and failures, Jinnah once again set about his task with hope and determination. His residence in London was the centre of informal and protracted discussions amongst the Muslim Representatives. Due to his cogent exposition and persuasive powers, the Muslim Delegation was once again brought into that frame of mind to renew the offer of joint electorates throughout India with reservation of seats in the Punjab and Bengal and one third representation in the Centre and the services.

I remember very vividly some of the discussions and the attitude of Sir Mahomed Shaffi, the spokesman of the Mussalmans in the Minorities Sub-Committee. He was scrupulously opposed to Joint-electorates as being against the interests of the Muslim Community. But bowing to the wisdom of Jinnah and the wishes of the rest of the delegates, he was prevailed upon to make this offer to Mr. Gandhi and the Hindu leaders. The proposals were summarily turned down by Dr. Moonje and Mr. Jayakar, the accredited leaders of the Hindu Mahasabha. Mr. Gandhi who was there and revelled in the discussions of the Minorities Sub-Committee, with his usual mental

reservations, was prepared to accept them as an individual but not on behalf of the Congress—at least not until the Hindu Mahasabha was brought to that frame of mind. India cried out in agony! Were our leaders completly devoid of statesmanship? Were these our real leaders and must we for ever remain slaves?

A glorious opportunity had again been lost. Once again the Hindu leaders had turned down the hand of co-operation and the prospect of sharing power in a free and united India. The result of the Round Table Conferences was the Government of India Act on the basis of All-India Federation with the Indian States acting as the brakes to freedom and progress. The British grip and influence were in no degree relaxed and it was apparent that bondage of the country was given another lease of life. The wagon of Indian freedom had been shunted on the wrong track and it would take many years to get it on the right track again.

The attitude of Jinnah at these Round Table Conferences was perfectly honourable and completely national. So much so that his position was rightly described by the Manchester Guardian thus:

"Mr. Jinnah's position at the Round Table Conference was unique. The Hindus thought he was a Muslim communalist, the Muslim took him to be a pro-Hindu, the princes deemed him to be too democratic. The Britishers considered him an extreme Nationalist—with the result that he was a leader without a following."

I will never forget the conversation I had with Jinnah at the conclusion of the Second Round Table Conference in London. He was despondent and depressed. As he confessed, his life work had failed to bear fruit and he remarked, "Heaven help India!" So great was his disappointment and so hopeless the situation that he decided to settle down in London and practise at the Privy Council. He was deaf to all appeals and entreaties to return to India. As he repeatedly said, "What good can I do in India?" To that there was no answer then.

Years rolled by and in its train came the Government of India Act and Provincial Autonomy. Jinnah, with his usual foresight and vision realised that the Mussalmans—nay the Indian people were at the threshold of a critical period and his place was by their side. It was like a call of blood and he responded to it.

It was not long before he took the reins in his hands again. The Muslims were just groping in the dark for some such leader to guide them in their difficult and perilous path. The material was there, but it needed leadership. Just as Hitler found the spirit of the German people smarting under the inequities of the Treaty of Versailles, so were the Mussalmans resenting the hostile and unfair attitude of the Congress to their claims and aware of the attempts to deprive them of their legitimate rights to a share in the Government of their country. They sensed the danger of being reduced to everlasting serfdom as a minority with no vestige of power. A few innocuous safeguards were not what they wanted. A few seats in some legislatures were not what they aspired to. Protection of their language and religion was not what they sought. All these they had in ample measure under the British. It was not change of masters they were contemplating.

Real power, and to enjoy the fruits of that power; to call this country theirs and take an active interest and part in its governance—that was what they cherished. They were beginning to be aware of the efforts to rob them of their heritage. That would be an act of injustice, an act of treachery. Given a leader, they were prepared to fight this inequity to the last man.

The spirit of revolt was smouldering in their hearts. Only a spark was wanted to ignite it into a conflagration. Jinnah supplied that spark and united the Muslims of India into a nation of eighty millions with one voice, one flag and one ideal. Once a rabble crowd, this nation was now alive to the danger and aware of its destiny. From now on began the new phase of Jinnah's leadership. Jinnah, the leader of the intelligentsia became the leader

of the people. His most ardent admirers were astonished by the ability, confidence and strength with which he took charge of leadership of a people noted for its apathy and indifference.

During the difficult period before the inauguration of Provincial Autonomy, Jinnah reorganised and revitalized the Muslim League and put it on a new basis. From an organ that met annually to air the grievances of the Mussalmans and to pass a few high sounding resolutions, the League was made into a people's organisation with a policy and a programme. Elections were contested and machinery was set up to make it a strong political party in the country. The success at the poll in 1937 was truly amazing, considering the short period of time at the disposal of Jinnah. It was a fitting testimony to the confidence of the people in his leadership.

But it did not serve as an eye-opener to the Congress. They failed to read the writing on the wall. With that same arrogance they once again turned down the offer of Jinnah to form Coalition Ministries. Their own success at the Poll had gone to their heads. As Jawaharlal Nehru haughtily remarked, "There are two parties in the country, the British and the Congress." What about the Muslims? They were not with Congress. Anyone but the blind could see that. Had they no place in the shape of things to come? Evidently not. As was demonstrated by the two and a half years of Congress rule in the provinces.

Puppet Muslims were taken as ministers—men not representing their community and men who could be bought for a price. In that short space of time, the Congress, dominated by Hindu elements, gave a taste of what the future held in store for them.

It is strenuously argued that the Congress rule was not in any way oppressive to the Muslims on any major points. "We ruled them more equitably than the Moghul emperors ruled the Hindus for many centuries," boasted a promi-

nent Congress Minister. But this is precisely where they erred. The Moghuls ruled as conquerors and masters. Did the Hindus want to do the same? Were they forgetting that two centuries had rolled by since the last days of the Moghuls? Was all this talk of liberty, equality, and democracy just sham? Were the Muslims to be ruled like a conquered people?

Speaking in 1938, Jinnah said, "The Muslim League has freed the Mussalmans from the clutches of the British Government. But now there is another power which claims to be the successor of the British Government. Call it by whatever name you like, but it is Hindu and Hindu Government."

During these two and a half years, Jinnah went on with his task of uniting and consolidating the Mussalmans all over the country. The bitterness and hatred created by the Congress Ministries considerably helped him in this stupendous task.

As years rolled by Jinnah was more convinced than ever that the Congress did not desire a just and honourable settlement. The Hindus were not as yet prepared to share power with the Muslims. The cherished ideal of Hindu-Muslim unity for which he had fought so vainly was now impossible. As he said in 1940. "Instead of getting united they (Hindus and Muslims) have been moving farther and farther away. The reason is that the Congress and the Hindus want a settlement under which they can dominate the whole of India. The Muslims, on the other hand, want equal share in freedom, independence and in the future Government of India. This is a fundamental difference between the standpoint of the Hindus and the Muslims. This is why we have failed in taking over a joint responsible Government from the British."

Then came the war and the declaration of the Viceroy involving India in the conflict. During the conferences and discussions held at the time in Delhi and again when India herself was threatened by Japan, Jinnah was willing

to co-operate with the Congress for the national welfare. He was willing to shelve the controversial issue of Pakistan and to form coalition ministries in the provinces and a Government at the centre with equal powers. Once again the Hindu leaders showed themselves in their true colours. The hand of friendship was yet again spurned. The obstinacy and perverseness of the Congress High Command to maintain and keep a grip over the whole of India, hoping one day to be the successors of the British, finally convinced Jinnah of the futility of compromise. As he said, "Britain wants to rule over India, Mahtma Gandhi wants to rule over Muslim India. We are modest people and say that we won't allow either of them to rule over us, combined or separately."

In 1940, amidst unparalleled scenes of enthusiasm and jubilation, the Pakistan Resolution was passed at the Lahore Sessions of the Muslim League. Separate and independent homelands for the Mussalmans became the cherished ideal and Pakistan was given a concrete shape.

Presiding on that historic occasion Jinnah said, "Mussalmans are a nation according to any definition of a nation, and they must have their homelands, their territory and their state. We wish to live in peace and harmony with our neighbours as a free and independent people. We wish our people to develop to the fullest our spiritual, cultural, economic, social and political life in a way that we think best and in consonance with our own ideals and according to the genius of our people. Honesty demands and the vital interests of millions of our people impose a sacred duty upon us to find an honourable and peaceful solution, which would be just and fair to all. But at the same time we cannot be moved or diverted from our purpose and objective by threats or intimidations. We must be prepared to face all difficulties and consequences, make all the sacrifices that may be required of us to achieve the goal we have set in front of us."

Thus ended the work of a life time for Hindu-Muslim unity. The ideal of united India was wrecked on the rock of Hindu greed and avarice. It was now apparent that Hindus and Muslims must agree to differ. They must henceforth tread different paths. Even then freedom for Pakistan and Hindustan can only come by mutual understanding and agreement. Towards this end, Jinnah's efforts are now directed. It is a stupendous task. But already his labours are bearing fruit. There is a growing opinion amongst the wiser and more practical Hindu minds to agree to the parting of ways and thus end foreign domination.

Mahomedali Jinnah is 67 years to-day. He has an immense task ahead of him. It will need all his energies, tact and ability to finally secure free and independent homelands for the Mussalmans. It will not be easy to fight the machinations of both the Congress and the British. But he can be well assured of the good wishes of every lover of freedom in that fight. For in this crusade he is also struggling for the freedom and independence of Hindustan. As he said very lately, "There can be no free Pakistan without a free Hindustan."

His opponents and critics choose to call him the "damaged Archangel of Indian Politics." Archangel of Indian freedom he has always been and will continue to be. But damaged he is not. His past is his guide for the present.

A day will yet dawn when the Hindus will realize and awake to his preachings. They will become conscious of the futility of welding India into a unity with its immense size, different religions, numerous languages and diverse culture, not to say anything of age long hostilities and suspicions. These in fact have been the strongest enemies of India.

The country will yet live to bless Mahomedali Jinnah for preferring freedom in separation to serfdom in unity.

II

## MOUNT PLEASANT ROAD

About a hundred yards down Mount Pleasant Road, Bombay, you will come upon an imposing gate which draws attention. Looking at its massive, strange design and the high walls which flank it, you think of an inner sanctuary sheltering something precious and sacred. A small wooden board, hardly in keeping with the impressive gateway, bears the words "M. A. JINNAH."

Not a living soul is encountered as you enter the gateway, but when you have taken a few steps inside, a stately house and a well kept garden confront you. Beautiful and tall stately trees sway in the breeze heedless of passing time. Beds of colourful flowers and well trimmed lawns suggest care and taste. The birds whistle and chirp amongst the branches. Peace and tranquillity reign supreme.

In the midst of such surroundings lies the house. In keeping with the garden it is exquisitely planned and constructed and handsomely and tastefully furnished. There is a prevailing atmosphere of opulence and dignity.

In these luxurious settings and beautiful surroundings lives Mr. Mahomedali Jinnah, the President of the All-India Muslim League—a lone figure living in unreality in the world of reality. May be from these surroundings he draws his inspiration and courage to control and direct the destinies of eighty million Mussalmans and in a measure to decide the fate of the whole of India.

Books, files and papers are littered around him as he sits engrossed in work. Controversy and criticism he has



MR. JINNAH'S HOUSE, MOUNT PLEASANT ROAD, BOMBAY.

to face. Plans and policies await his formulation. The Viceroy's speeches and the House of Commons debate engage his attention. Ministerial crisis and internal wranglings call for solution — and in these days the anxious burden of the food crisis besets his mind. All this he does unaided and alone. There is not a man of the same stature in the League, — a man who can relieve him of some of the responsibilities and burdens. Qaed-e-Azam Mahomed-ali Jinnah, the envy of millions must hardly be envying himself.

As if all this was not enough, Allama Mashriqui issued a Manifesto exhorting and appealing to his followers to write thousands of post cards, letters and telegrams to Mr. Jinnah, calling upon him to see Mr. Gandhi.

From the 15th of June with every mail, on an average over 50 telegrams, letters and post cards are delivered to Mr. Jinnah. Sitting amidst his papers and files, he opens one of the telegrams and reads.

"From Yedsi — 6th July 1943

To Jinnah — Bombay.

"If united front is not put, Khaksars will take the case in their hands."

Yacub."

From the heap he picks up another which reads :—

"From Bhopal — 19th July 1943

To Jinnah — Bombay.

Last opportunity. See Gandhi.

Fazalshahi"

Jinnah pushes the remainder aside and turns to the letters. He picks one at random and his face clouds as he reads.

"Qaed-e-Azam Mr. Jinnah,

We are those very persons who ruled over India for one thousand years, nobody sharing rulership with

us, and now we although according to you number 10 crores we are still afraid that the Hindus may not dominate us. It is a pity that the lion is considering itself as a lamb and is desiring to get a promise from the goats that when they attain power they will not harass it.

If your ultimate goal is Pakistan then in order to bring the stage of its attainment nearer for God's sake arrive at a compromise with Gandhiji for which Gandhiji appears to be ready. The Indian public are very much affected by the acts of folly of you leaders. They do not have things to eat sufficiently. They have put on rags. God knows how they might be lying down on the ground in streets and heaving sighs, and remember the sighs of these poor fellows won't go in vain, and on the day of judgment you will be liable for punishment being meted out to them. We request you to see immediatety Gandhiji in jail otherwise (some) of us risking our lives shall make you the target of our bullets such of you who aspire for leadership and yet have no regard for the welfare of the public.

27th June, 1943.

Mahomed Ahmed
Salare Aaala
(Khaksars,)
Hyderabad City Deccan.
Circle D."

What can all this mean? Is it a conspiracy to take his life? Afraid he is not. But in the interests of the Mussalmans he must be more careful. Orders are issued not to allow visitors to be brought in to him. Instead they are to be taken to the office of the Secretary. This is the prevailing order when Rafiq Sabir approached the house on the 26th of July, 1943.

While the welfare and happiness of the Mussalmans of India were in the melting pot and while the acts of commission and omission were preoccupying the mind of

Mahomedali Jinnah, not very far away—about five miles—preparations were being made to enact a heinous crime. A crime which if successful would have been a tragedy and a dire calamity for the Muslim Community.

* * * *

On the afternoon of the 6th July a train steams into the Victoria Terminus station at Bombay. Amidst the hundreds of passengers alighting is a young man, Rafiq Sabir Mazangavi. About 30, slim and well built with shaggy black hair and a pointed beard he has a certain amount of attraction and distinction. He has an expectant look as he alights and makes his way out on to the road jostling amidst the crowd. How many who shared the compartment with him on the journey and who rubbed shoulders with him could have realised that this was the man destined to create a stir in the somnolent waters of Indian politics? How many knew that he was to make an attempt on the life of Qaed-e-Azam the idol of the Muslim masses ?

As he emerges from the station he gets into a tram car with his sparse bedding under his arm—his only belonging, and proceeds in the direction of the Muslim Mohola. Alighting here, he winds his way to Pakmodia Street to the entrance of a Musafarkhana owned and run by the Haji Ismail Haji Habib Trust. As a poor Muslim visitor to Bombay he has a right of residence in the institution for a certain period of time. That is the object of the Musafarkhana and he avails himself of this privilege. To the Manager in charge he has to give the necessary information before he is given the right of residence. He has a definite purpose for his visit to Bombay and he can hardly afford to disclose his identity. He therefore, gives a false name. Mahomed Sadiq, Moulana Umruddin and a false object of his visit to the city, namely in search of his brother. He even signs the register as Mahomed Sadiq and takes up residence there.

From July 6th to July 13th he resides in the Musafarkhana and quietly makes preparation and plans to carry out his nefarious designs. He cannot permanently stay at the institution and therefore on the 13th July he moves out and finds sleeping accommodation at the office of the Khaksar Organisation in Bombay. During this period he becomes friendly with Syed Jillani, head of the Khaksar students' organisation in the city. He persuades Jillani to get him a job and from the 13th to the 23rd July works by day and plans and prepares by night. Mr. Jinnah during this time was out of Bombay on a tour of Karachi and Baluchistan. Necessarily Rafiq Sabir had to bide his time and wait.

On the 23rd July Mr. Jinnah returns to Bombay—and his arrival is made public in the press. Rafiq goes to the station and mingling with the huge crowd that had collected to greet him, he takes a good view of his victim. May be he had murderous intentions even then — but may be he got no opportunity.

On the following day he completes the final preparations and puts in the finishing touches. He procures a Muslim League enrolment form in the name of one Kudrutullah of Kurla and carries it in his pocket. Obviously he counts on it being a good passport to take him into the inner sanctuary of Mr. Jinnah; besides it might prove a good credential in the event of his plan failing. The next step is to procure the instrument to do the job. That is not difficult in a place like Bombay, or for that matter anywhere. Having procured the knife, Rafiq does not find the blade sharp enough to his liking and goes to a knife grinding shop owned by Ismail Dadamiya and has the knife sharpened. He even exhorts Dadamiya to sharpen it well! This is on Saturday, July 24th and now everything is ready and well set.

Somehow he ponders and hesitates a little and allows Sunday July 25th to go by. Or is it that he realizes that being a Sunday Mr. Jinnah will perhaps be having visitors in the house and it may not be possible to secure an interview?

Whatever the reasons Rafiq awaits Monday morning. He does not go to work as usual but instead makes his way in the direction of Malabar Hill. From Bhendi Bazaar he boards a tram which brings him to Sandhurst Bridge and alighting there, he walks up Walkeshwar Road and winds his way to the entrance of the house at Mount Pleasant Road.

The time is 1.15 p.m. as he approaches the gates. Why has he picked upon this unusual time? He has a good reason. It is the time when most of the servants are away taking their midday meal and the others in the kitchen preparing to serve lunch to Mr. Jinnah. It is a highly opportune moment for a man who plans murder. Possibly there will be no one at the entrance and so he may be able to rush in to the study or library and surprise Mr. Jinnah at work. For him it is an ideal moment.

His heart beats fast as he enters the outer gate. He sees the lovely garden and the stately house. There is not much sign of life. He goes a little forward and as he does so he sees the watchman Shah Mahomed at the entrance to the door. He jumps back and hides behind the gate. This is not what he expected. What is he to do now? He waits and thinks. It must be now or never. He has waited long enough and is determined. He braces his shoulders and boldly enters through the gate and walks down the garden path towards the house.

As he skirts the circle of trees in front of the house, Shah Mahomed comes into full view as he stands on duty inside the verandah. Rafiq approaches the watchman and salaams him and on being questioned asks to see Qaed-e-Azam Mahomedali Jinnah. Had Rafiq Sabir come to the house a month earlier, there would have been no difficulty. The house was open to all and sundry and Mr. Jinnah was easily accessible. Not so on the 26th day of July. The innumerable letters, postcards and telegrams received by him—some correct in tone but others vaguely threatening and still others openly expressing a desire and declaring a conspiracy to take his life—had put Mr. Jinnah

on his guard. The precautions taken were, however, very slight indeed. In spite of the protestations of his friends and colleagues Mr. Jinnah's house still had no watchman or a guard at the outer gates and any one could just walk up to the house without let or hindrance. The only difference was that now the visitor was first taken to his Secretary instead of being taken directly to Mr. Jinnah in his study or the library. Obeying his orders, Shah Mahomed takes Rafiq Sabir to the office of the Secretary on the ground floor of the east wing of the house. There again he expresses his desire to interview Mr. Jinnah to discuss some important League matters.

The Secretary very correctly asks him his name. Rafiq replies by saying that he is not a big man and the name does not matter. The Secretary tells him that Mr. Jinnah is very busy that day and asks him to write down what he has to say and Mr. Jinnah will consider it and if necessary give him an appointment for an interview. Thereupon Rafiq takes a paper and pen and writes in Urdu while sitting at the Secretary's table facing him. (The point is marked B on the plan).

"Respected Jinnah Saheb

Peace be with you. I have reached Bombay with a hundred difficulties. Please allow me to have the honour of an interview for some urgent work.

Rafiq Sabir Mazangavi"

As luck would have it, just as he had finished writing, Mr. Jinnah himself walks into the Secretary's office in search of a file. What more could Rafiq want? He had his victim a few feet away and well within his reach. Was fate taking a hand? Were the prayers of Rafiq being answered?

As Mr. Jinnah explained in Court, sometimes he himself went to the office in search of papers or files. On seeing Rafiq Mr. Jinnah naturally asks who he is and what he wants. On his Secretary conveying his desire for an interview, Mr. Jinnah tells Rafiq to write down what

he wants to say and he would look into it carefully and fix an appointment for the next day or the day after. On Rafiq's pressing for an interview Mr. Jinnah expresses his regret as he is very busy and cannot see him immediately.

As Mr. Jinnah said in the course of his evidence in Court, "My whole mind was on my correspondence and just as I was about to leave the room, in the twinkling of an eye the accused sprang on me and gave me a blow with his clenched fist on my left jaw. I naturally reeled back a bit, when he pulled out a knife from his waist."

With this huge open knife Rafiq rushes at Mr. Jinnah obviously with murderous intent. The instinct of self defence makes Mr. Jinnah put out his left hand and catch Rafiq's left wrist with the result that the momentum of the blow is broken. Even then the greater strength of young Rafiq and the force of the downward sweep of his hand brings the edge of the knife in contact with Mr. Jinnah's chin and inflicts a punctured wound. Obviously the knife was aimed at the throat and it was Mr. Jinnah's grip and the resulting deflection that cut the chin instead of the throat. As Dr. Masina deposed in Court, had the knife struck half an inch lower, it might have had serious consequences. In his effort to free himself, Rafiq has a struggle in the course of which the knife cuts Mr. Jinnah's hands and the left shoulder of his coat.

The Secretary who throughout these happenings is a few yards away comes to the rescue of Mr. Jinnah and at the same time shouts for the watchman at the entrance. He pushes Rafiq back and tries to come in between the two. In the meanwhile Shah Mahomed comes up running and secures the assailant from behind. Rafiq is pulled away from Mr. Jinnah and has perforce to let go his hold of Mr. Jinnah's coat lapel. Just about this time Abdul Gani, the chauffeur who was by the car in the compound hearing voices and seeing a scuffle comes up running, and in the twinkling of an eye snatches the knife out of Rafiq's hand with great skill and dexterity.

Mr. Jinnah is saved. It was indeed a miraculous escape. The modus operandi was well nigh perfect. The blow to the chin was designed to knock down Mr. Jinnah and then the stabbing would have been fairly easy. It says a great deal for the courage and endurance of Mr. Jinnah that a fist blow by a man nearly 40 years younger did not knock him down but merely made him reel back. And it speaks volumes for the presence of mind and coolness of Mr. Jinnah that he caught the wrist of the assailant in a deadly grip. To this may be attributed his fortunate escape.

Freed from immediate danger Mr. Jinnah gathered himself and left the Secretary's office by the rear door to go to the library. The chauffeur came from the verandah on the other side and handed over the knife he had recovered from Rafiq.

Naturally the incident created quite a stir in the house and all the servants came running into the office. Rafiq realising that the game is up tries to get away from the hold of the watchmen who is the only person holding him. During the scuffle he slips on the floor and thus manages to disentangle himself. Like lightning he is up from the floor and before the watchman can grip his person, he leaps over the flower beds from the verandah into the garden and makes for the gateway. The watchman is hot after him like a blood-hound, and the chauffeur who had returned after handing the knife to Mr. Jinnah joins in the chase. The superior speed and physique of the watchman tell and he grips the back of the shirt of Rafiq while chasing him. The shirt gives way but nothing daunted, the watchman takes a flying leap and tackles him round the waist, bringing him down with himself to the ground. It was a tackle worthy of an International Rugger player.

The chauffeur who is not many yards behind rushes to the assistance of the watchman and completes the job. At last Rafiq is safely secured—the watchman gripping him by the waist-band—and is led back to the Secretary's office. There he is surrounded by other servants and kept under strict observation.

The Secretary now gets in touch with the Gamdevi Police Station and Dr. Masina. In the meanwhile, Mr. Jinnah is taken upstairs by his sister and the wounds on his chin and hands are temporarily dressed. When Dr. Masina arrives at the house a little after two, he finds Mr. Jinnah sitting on his bed upstairs talking to a police officer. He looks shaken. His collar, shirt and coat are bloodstained and the shoulders of the coat bear a few cuts. Dr. Masina removes the temporary dressing and washes and treats the wounds. As he does this a grave shadow crosses his face and he looks agitated. It is but natural. An old friend of the family—having known Mr. Jinnah for well over 30 years, he realises how narrow has been the escape. As he deposed in Court, had the knife struck half an inch lower, it might have had very serious consequences. After the wounds are dressed, Mr. Jinnah continues his conversation with Inspector Kilburn of the Gamdevi Police Station and makes his first statement, and then comes downstairs and goes into the library.

In the meanwhile, Rafiq was bemoaning his lot and in between haranguing the servants, he was laughing, crying, invoking the aid of God and reciting verses from the Koran. He seemed highly excited, and addressing the watchman, the chauffeur and the Secretary complimented them on their loyalty and fidelity. "You have done your duty and served your master well. But I have failed in my mission. This knife did not do its work." After remaining silent for a while, he again bursts forth. "I am not a hired assassin. I have done this to carry out the orders of my leader Allama Mashrique as Mr. Jinnah is in the way of the freedom of India, and a tool in the hands of British Imperialism." He keeps mumbling and praying till Sub-Inspector Shaik takes him away from the house.

By this time the news of the attack had spread all over Bombay and within half an hour Mr. Jinnah's bungalow was besieged by relations, friends and officials of the Muslim League. The excitement in the Mohalla and the city was tremendous and by evening the news was on

III

## IN COURT

It is not an unusual sight to see an old dilapidated police van rumbling along the streets of Bombay carrying a cart load of criminals to the Court. The citizens of Bombay do not give it a second thought. It is a daily occurrence.

On the 1st November 1943 one such police van was seen winding its way from the House of Correction at Byculla towards the High Court of Justice in Fort. How many who saw the van that day realised that it was carrying Rafiq Sabir Mazangavi—the assailant of Mr. Jinnah—to face his trial?

He is seated huddled together with the other prisoners. Of what is he thinking? Is he repenting? If looks are any indication—obviously not. There is a self-satisfied smirk on his face and an air of indifference about him as he tries to make conversation with his fellow prisoners.

At last the van reaches its journey's end, enters the gate of the High Court and comes to a stop under the porch. The havaldars jump out. Under strict escort the prisoners are led up the stairs of the Court building. With each arm firmly held by a havaldar, Rafiq enters the spacious Sessions Court and takes his place in the prisoners' dock. The strains of a bugle outside herald the arrival of the Sessions Judge in the Court Building. Soon thereafter Mr. Somjee, Counsel for the Crown, is seen entering the Court room accompanied by the Public Prosecutor and both take their seats at the table reserved for Counsel. They are followed by Dr. Daruwalla who has been briefed to defend Rafiq.

As the clock indicates 10-45 a. m. the Sessions Judge, Mr. Justice Blagden is seen entering the Court preceded by a chobdar. Every one rises and the Judge bows to Counsel and takes his seat. The scarlet robes of the judge stand out in contrast with the sombre black coats and gowns of Counsel and lend a little colour to the otherwise grim and gloomy scene.

The clerk of the Crown reads out the charge to Rafiq who stands in the dock and asks him whether he pleads guilty or claims to be tried. Rafiq, with the aid of an interpreter, pleads not guilty and claims the privilege of a trial. The Clerk of the Crown then enrols the Jury of 9 men by calling out the names one by one. The accused exercises the right of challenging Jurors and challenges eight of them—that being the maximum allowed to him under the law.

The Jurors are then individually sworn in to "try the case truly according to the evidence and return true verdict accordingly." A foreman—the mouthpiece of the Jury—is selected and the charge sheet is read out to the Jurors. The Jury is now seized of the case and the trial commences.

Mr. Somjee rises to his feet and announces to His Lordship that he appears for the Crown with the Public Prosecutor. Dr. Daruwalla follows by mentioning his appearance for the accused and makes an application to the Judge to allow Rafiq to sit behind him so that he may be properly instructed. His Lordship considers the application unusual and remarks that the dock is the proper place for the accused. Liberty, however, is given to Dr. Daruwalla to take such instructions from Rafiq through the assistance of the interpreter as and when necessary.

Mr. Somjee in opening the case for the prosecution tells His Lordship and the Gentlemen of the Jury that the accused stands charged under section 307 of the Indian Penal Code which reads "whoever does any act with such intention or knowledge and under such circumstances that if he, by that act, caused death, he would be guilty of murder shall be punished..." Mr. Somjee explains that

Mr. Jinnah is the President of the All India Muslim League and as such was pestered with letters, postcards and telegrams from members of an organisation called the Khaksars. Allama Mashriqui, the leader of the Khaksars, had issued a manifesto criticising the attitude adopted by Mr. Jinnah in relation to the Congress and had exhorted and ordered his followers to send thousands of letters, postcards and telegrams to Mr. Jinnah asking him to see Mr. Ghandi. In consequence of this, Mr. Jinnah was flooded with letters and telegrams which comprised a huge bundle. These were handed over by Mr. Jinnah to the police. Some of the letters were comparatively mild while others were threatening and in so many words expressed a desire to attack and kill him. The accused was a member of the Khaksars and bore the name of "Jan Baz" (a man willing to sacrifice his life). In view of these threatening letters, Mr. Jinnah was more cautious and gave instructions that if any one desired an interview he was to be taken to the Secretary first.

On the 26th July at about 1.45 the accused came to the house of Mr. Jinnah at Mount Pleasant Road and approached the watchman on duty at the door of the house asking to interview Mr. Jinnah. The watchman took the accused to the Secretary's office where the secretary asked him to write down what he had to say to Mr. Jinnah In the meanwhile Mr. Jinnah himself walked into the office in search of a file. After Mr. Jinnah declined to grant the accused an immediate interview, the accused suddenly hit Mr. Jinnah a blow with his clenched fist on his left jaw and followed this up with pulling out an open clasp knife and attacked him. Mr. Jinnah parried the blow and held the accused's right hand with his left till such time as the Secretary, the pathan and watchman came to his assistance and secured the accused. Mr. Jinnah received a punctured wound on the left side of the chin and a cut on his wrist below the little finger of his left hand.

Mr. Somjee says he will call the doctor who attended on Mr. Jinnah and prove that had the knife struck Mr.

Jinnah half an inch lower, on his throat, it might have had serious consequences. Mr. Somjee also informs His Lordship and the Gentlemen of the Jury that he will lead evidence to prove that the accused had come to Bombay and lived in a Musafarkhana under a false name two days prior to the offence and had his clasp knife sharpened by a knife sharpener. That in a nutshell, he says, is his case and he will now call Mr. Fernandes, the plan-maker.

By the time Mr. Somjee concludes, the court room is packed to capacity. News has rapidly gone round that the trial of Mr. Jinnah's assailant had begun. Members of the bar and specially the juniors were the first to flock to the Court room to secure point of vantage and follow the proceedings. Members of the public were not slow to follow and there is a continuous inflow of visitors—mostly Muslims. Every eye seeks the accused—the man who had achieved such notoriety. What must be the thoughts and feelings of these devoted and staunch followers of Mr. Jinnah? Hatred certainly—and strong indignation. In less restrained minds there is violence too. Rafiq realises this and inwardly feels far safer in police custody than outside, amidst the hostile crowd.

Mr. Fernandes steps into the witness box and tells His Lordship and the Gentlemen of the Jury that he is employed in the Public Works Department, Bombay, and under the instructions of the police, he had gone to Mr. Jinnah's house and made a plan of his house. (See plan exhibit N. Appendix I). He had marked various points on the plan which were afterwards explained. Point A shows the spot where the watchman Shah Mahomed was on duty when Rafiq approached him. B is the chair in the Secretary's office where Rafiq takes his seat to write the letter to Mr. Jinnah. C is the chair where the Secretary was seated and D is the spot where Mr. Jinnah was standing when he was attacked. Point E shows the spot where the accused was apprehended by the watchman and the chauffeur and finally secured.

Mr. Somjee then calls Syed Ahmed Syed Yaccoob, secretary of Mr. Jinnah. Syed recounts the incidents of the afternoon of the 26th July and tells His Lordship and the Gentleman of the Jury that when Rafiq was brought to him in the office he asked him to write down what he had to say on paper. Rafiq sat down and wrote a letter. (Exhibit D). Just as he was finishing, Mr. Jinnah himself entered the office in search of a file. On seeing the accused, Mr. Jinnah asked his Secretary who he was. He told Mr. Jinnah that the accused desired to see him in connection with the Muslim League affairs. Mr. Jinnah thereupon turned towards Rafiq and told him that as he was very busy he could not interview him that day and asked him to write down what he wanted to discuss and he would give him an appointment the next day or the day after. The accused thereupon burst forth. "We have sent you so many letters and telegrams asking you to see Mr. Gandhi but you won't see him. You are a tool in the hands of the British Government and an obstacle in our way." He had hardly concluded when he rushed at Mr. Jinnah and launched a fist blow at Mr. Jinnah's jaw. He followed this up by whipping out a huge open clasp knife and attacking him. Mr. Syed then tells His Lordship and the Gentlemen of the Jury the part played by him. He shouted to the watchman and tried to come in between Mr. Jinnah and the accused and hold his hand till such time as the watchman and chauffeur came and disarmed him.

Mr. Syed is cross-examined at great length by Dr. Daruwalla. All kinds of questions are put to him and it is even suggested that Mr. Jinnah abused the accused calling him a seceder and a renegade and asked him to get out of the house. It is also suggested that the witness and Mr. Jinnah assaulted the accused. A fantastic story is tried to be made out that the accused fell on Mr. Jinnah during the scuffle and thereby caused injury to his chin and the hands. Naturally all these suggestions are vehemently denied by Mr. Syed. The defence had obviously failed to break the witness or get anything out of him.

Mr. Somjee next calls Shah Mahomed Bostan Khan, the watchman. He cuts a good figure in the witness box with his tall stature and a plumed turban. He describes how on hearing the shouts of the Secretary he rushed into the Secretary's office and saw the struggle between Rafiq and Mr. Jinnah. He gives a graphic account of how he pinioned the accused from behind and pulled him away from his intended victim. In the meantime the chauffeur came up and snatched the knife out of the hands of the accused. Shah Mahomed then goes on to tell how, after being disarmed, the accused scuffled with him, and fell to the ground; how Rafiq was up in a twinkling and jumping over the bed of flowers ran out into the garden making for the gateway. Not daunted Shah Mahomed was after him and with great speed and dexterity secured the assailant and brought him back to the office.

At this stage the accused sends the interpreter over to Dr. Daruwalla and after a few whispered words, the defence counsel tells the Court that the accused had some years ago received an electric shock as a result of which his right hand was not very effective and he could not grasp anything in that hand. Hè contended that this being the case, it was not possible that Rafiq could have attacked Mr. Jinnah with his right hand or for that matter held and struck the knife with that hand. Dr. Daruwalla, accordingly makes an application that the accused be examined by the Police Surgeon. His Lordship grants the application and requests Mr. Somjee to arrange for the accused to be examined by the Police Surgeon the next morning.

At this stage Mr. Jinnah walks into Court. He is immediately spotted and the news goes round in whispers through the spacious room till every eye is on him. The packed house has collected to see him. Here he was at last. As he walked in, perfectly dressed, it was apparent that he had lost none of his sartorial flair. Years had rolled by since the days when he was described as "the most elegant and finely trimmed young fellow in the



Mr. JINNAH ON HIS WAY TO COURT

*Courtesy "Vatan"*

Viceroy's Council". Much water had flowed down the Ganges since the time he was called "the best dressed gentleman in India". But the passing years had left him untouched. He could still claim that privilege. He was slimmer. Yes, he was greyer—time had taken its toll but he had lost none of that charm and dignity and that air of superiority and confidence. These were ingrained in him and it seems he will carry them to the very end.

Mr. Jinnah takes a chair behind Mr. Somjee and surveys the scene. He is the central figure here on this occasion. No accused to defend this time. No arguments to advance. No thought even for the result of this case. He has a bigger and a graver problem on his mind—the problem of leading the Muslims of India through difficult and abnormal times.

Mr. Somjee rises to his feet and informs the Court and Dr. Daruwalla that Mr. Jinnah is in Court and inquires whether the defence has any objection to his sitting in Court while Shah Mahomed is being cross-examined. Dr. Daruwalla objects to Mr. Jinnah's presence in Court before his evidence is over and remarks that "although he is a respected member of the Bar, we are all human beings." On this Mr. Jinnah leaves the Court and goes to the library to await his turn.

In his cross-examination Counsel for the defence takes the same line and puts Shah Mahomed questions on Mr. Jinnah's alleged abusing and assaulting the accused. He even goes further suggesting that the knife was not in the hands of the accused at all but was brought in later by the chauffeur. This is vehemently denied. The witness says that he entered the office before the chauffeur and he himself saw the knife in the hands of the accused.

Two eye witnesses had been examined so far and both had given very damaging testimony against the accused. Things looked black indeed for Rafiq.

Mr. Somjee then announces that he will call Dr. Masina, the doctor who attended on Mr. Jinnah, and

prove the extent of the injury received by him. Dr. Masina in a quiet professional manner indicates the location of the injuries to the chin and hand and the extent of the wounds. He emphatically states that had the tendon underneath the skin of his little finger been cut, Mr. Jinnah would have had the little finger permanently crooked. He is equally certain that had the punctured wound been half an inch lower down the throat, it would have been very serious. Shown the knife, he declares that a sharp instrument of that nature can cause the kind of injury found on Mr. Jinnah.

In cross-examination, Dr. Masina is definite that a punctured wound on the chin or a cut on the hand cannot be caused by a button or the teeth of an unarmed man during a scuffle. But on the defence Counsel harping on the destructive potentiality of a big nail, Dr. Masina admits that injury of that nature can be caused by a big nail.

The evidence of Dr. Masina conclusively proves one point—and a damaging point for the accused. It shows the possibilities of the use of an instrument like the knife and the chances of the inflicted injury causing death if it had struck a little lower. On the strength of this evidence the prosecution had succeeded in establishing the case of attempted murder. The net was being tightened round Rafiq.

The next witness to step into the witness box is Abdul Gani Imamdin, the chauffeur of Mr. Jinnah.

Those assembled there were wondering how many more witnesses would be called. Why was Mr. Jinnah not coming? They had gathered there to see and hear him. When would he step into the box and what would be the line of cross-examination. They had not long to wait.

Abdul Gani narrates the part he played in apprehending and disarming Rafiq. He was with the car outside at the entrance to the house when he saw the accused assaulting Mr. Jinnah. He shouted and the

Pathan who was nearby ran towards the office and he followed immediately. As he entered the office he saw Rafiq holding the open knife in his right hand and Mr. Jinnah holding Rafiq's wrist with the left hand. While the Pathan gripped the accused by the waist, he caught hold of the hand of Rafiq and snatched away the knife. So great was the effort that he says that the joints of his thumb pained him for two weeks thereafter. At this stage Mr. Justice Blagden asks for the knife and opening the blade His Lordship goes up to the witness with the open clasp knife firmly held in his hands as if to strike. The packed crowd watches breathlessly as His Lordship asks the witness to demonstrate how he snatched away the knife. In the twinkling of an eye and with not much effort, Abdul Gani extracts the knife from the strong grip of His Lordship to the surprise and admiration of the Judge himself, the Jury and the assembled crowd.

His Lordship resumes his seat and remarks amidst laughter "Were your nails as sharp on that day as they are to-day." Mr. Somjee promptly rises to his feet and inquires whether His Lordship is hurt. Mr. Justice Blagden smiles and says "not unduly" to the merriment of all. As His Lordship tells the Gentlemen of the Jury, he wanted to see for himself whether the witness had a strong pair of hands and whether he was capable of snatching the knife when firmly held as he professed to do. "I am quite satisfied with the demonstration given by the witness," remarks His Lordship.

Abdul Gani goes on to narrate how he took the knife to Mr. Jinnah and handed it over to him. On his returning to the office he saw a scuffle between the accused and the watchman and before he could go to the help of Shah Mahomed, Rafiq had run out into the garden. Abdul Gani followed and helped the watchman to secure the accused.

He then recounts that after Rafiq was taken back to the Secretary's office, he began haranguing the servants assembled there to guard him. Addressing the chauffeur

and the watchman particularly he said, "It was your duty to serve your master and you have proved faithful to him. But I have failed in my mission. This knife did not do the work. We sent 500 telegrams to him to see Mr. Gandhi." He seemed very excited and in between addressing the servants and holding forth, he was laughing, weeping and reciting verses from the Qoran.

Dr. Daruwalla had hardly asked a few preliminary questions, when Rafiq is seen standing up and arguing with the interpreter, in a loud voice. Dr. Daruwalla goes up to the prisoners dock and there is some argument between them. Then suddenly Rafiq addressing the Court in Urdu says, "I don't want to have a Counsel. I will conduct my own case and I do not want to tell lies."

Everyone was taken aback at this dramatic event. Many wondered whether Rafiq was willing to make a clean breast of it and admit his criminal act. But apparently that was not his intention. He only wanted to dispense with the services of his Counsel and desired to conduct the case himself. Maybe he felt that he would be able to ask more embarrassing questions to Mr. Jinnah when he came into the box and with greater freedom and impunity.

Dr. Daruwalla returns to the Counsel's table and addressing His Lordship tells him that his client does not wish him to ask any more questions. His Lordship addressing the accused tells him that in that case he will have to defend himself to the very last. Rafiq replies by saying that he will conduct his own defence till the end and expresses his desire to ask some questions to the witness.

With the help of the interpreter, he suggests to Abdul Gani that he had picked up the knife from the ground and not from his hands. This is denied by the witness. Rafiq then hints that Mr. Jinnah had coached the witness, to which the chauffeur hotly retorts that no one had tutored him and that he was speaking the truth in the presence of God.

All this time Mr. Jinnah had been in the library awaiting his turn to be called. When Mr. Somjee announces to the Court that he will now call Mr. Jinnah, there is a murmur of anticipation all round. There is some movement of shuffling as everyone tries to get the best possible point of vantage. Every neck is strained to catch a glimpse of the Qaed-e-Azam.

Just then Mr. Jinnah is seen walking in and with the usual air of dignity and confidence he climbs up the few steps to the witness box on the platform. He is now distinctly visible from all angles of the spacious Court room and is sought by every eye. Some amongst the visitors—his followers—look upon him with reverence, others with admiration and respect. Even some of the Junior Hindu members of the Bar—critical of his policy and hostile to him—admitted that with the passing of years his dignity and bearing had not waned.

What must be his feelings as he looks upon that Court scene? Does his mind go back to the old days when he was a struggling junior? Those far away days when in this very Court he was trying to establish a reputation and acquire a practice? Or is he thinking of the more recent times when he used to thunder and roar like a lion in this very room of the Sessions Court? Maybe his mind goes back to the days of the Bawla Murder case when he so ably defended one of the accused. He could hardly have dreamt this day when he would be a witness to a drama in his own life. He could scarcely have foreseen himself as witness in the Sessions Court, giving evidence of the attempt on his own life. Whatever the thoughts passing in his mind, he stands calm and confident with a faint smile on his lips ready to answer the questions put to him.

He begins by telling His Lordship and Gentlemen of the Jury of the letters and telegrams he had received. Then he comes to the day in question, the 26th of July 1943 and recounts how he came face to face with the accused in his Secretary's office and how he was struck a fist blow on his chin and simultaneously a knife was

whipped out. Mr. Jinnah then gives a graphic description of the way the open knife was pulled out from the left part of the person of the accused and how he was attacked. In soft gentle tones he says, "The instinct of self-defence made me put out my hand and catch his wrist with the result that the momentum of the blow was broken but in spite of this the knife just touched the left side of my jaw. I got a cut near my chin and my coat was cut near the left shoulder. In the scuffle I also got a wound on my left hand."

The visitors breathlessly listen to this graphic description of the assault. Apparently Mr. Jinnah was living over those fateful moments again when he was face to face with the assassin. How many realised the agony of those few seconds! How many realised the courage and presence of mind of Mr. Jinnah at that moment! He then narrates how his servants came to his assistance and secured the accused. (Before concluding the examination of Mr. Jinnah, the knife and his clothes as well as the letters and telegrams received by him, are put in as exhibits.)

The awaited moment had arrived. What will Rafiq ask Mr. Jinnah? This was the thought in every mind.

With the assistance of the Court interpreter, Rafiq begins. He requests the Court to allow him to put questions in Urdu. His Lordship remarks that the language of the Court is English and questions must be interpreted in English.

Rafiq starts with the suggestion that all these letters addressed to Mr. Jinnah might have been written by some persons—not Khaksars, in order to bring disunity between the League and the Khaksars. Mr. Jinnah remarks that it is not for him to express any views on that. Rafiq then goes back to the year 1935 when Mr. Jinnah had gone to Lahore in connection with the Shahidgunj Mosque dispute and insinuates that Mr. Jinnah had gone a few steps into the mosque with his shoes on. He then asks Mr. Jinnah

whether he remembers a letter handed to him by himself at that time. Mr. Jinnah replies that he does not remember. His Lordship jokingly remarks that, maybe Rafiq did not have a beard then.

The accused then puts all sorts of irrelevant questions regarding Muslim League affairs and the amount of moneys spent on the Annual Sessions. His Lordship repeatedly checks him remarking that all that had nothing to do with the case. Rafiq then touches the topic of Pakistan and asks Mr. Jinnah to explain its meaning. His Lordship again stops him from pursuing the question. He next wants to get information about the League Newspaper "Dawn," of Delhi and even tries to ask questions about the marriage of Mr. Jinnah's daughter. But his Lordship reminds him that all that has no bearing on the trial. He then comes to religion and the Qoran and tries to make out that Mr. Jinnah is ignorant of Islamic teachings. Whereupon His Lordship impatiently remarks that they are not trying Mr. Jinnah for impiety but him for attempted murder.

After asking a few questions about the happenings in the Secretary's room, Rafiq suggests that in the scuffle he bumped his head against Mr. Jinnah and caused some injuries. Mr. Jinnah denies the suggestion altogether and affirms that the knife caused the injuries.

The accused again goes off at a tangent and wants to know what amounts were collected for the Muslim League and how they were spent. His Lordship disallows the question and tells the accused to seek the answer to that at the proper place and that this is a Court of Law. Rafiq terminates his rambling and irrelevant cross-examination. Mr. Jinnah in response to a question from His Lordship denies that he was excited and wanted to chuck out the accused. On the contrary, Mr. Jinnah says that he gave definite instructions to his staff not to hurt him in any way even after he was overpowered.

That concludes Mr. Jinnah's cross-examination and he bows to His Lordship and steps down from the witness

box and leaves the Court followed by every eye. Another strange episode in his colourful life is over and as he steps out of the Court building into his waiting car, he wonders, what next?

All the eye witnesses to the incident had now been examined and it was obvious to all present that the prosecution had proved their case to the hilt. Mr Somjee next proceeds to throw some light on the movement of the accused prior to the 26th July and leads the evidence of Noormahomed Alibhoy Maniar, the manager of the Musafarkhana where Rafiq had put up from the date of his arrival till the 13th of July. The witness produces the Register and points out the entry which shows that Rafiq lived there under the name of Sadiq Ali Moulana Umruddin, and in the remarks column it was stated that he had come down to Bombay in search of his brother—an obviously fictitious reason.

Ismail Dada Miya, a knife grinder, comes next and deposes to the accused coming to his shop and having the knife sharpened two days prior to the incident. He recognizes Rafiq in the prisoner's dock and also the knife when shown to him. The accused in cross-examination gives the whole game away by bluntly asking the witness whether there was not a little rust on the knife when he had taken it to him for sharpening. His Lordship and the Gentlemen of the Jury sit up and take particular notice of the answer. Whatever doubts His Lordship might have entertained must have now been removed.

Syed Jillani the head of the Students' Organisation of the Khaksars is next called and deposes to meeting Rafiq in Bombay and obtaining a job for him. It is brought out that the accused had been sleeping at the office of this organisation and his bedding was later recovered from there.

After calling a couple of police witnesses to prove the fact of arrest and inquiry and the report of the Chemical Analyser showing human blood on the knife and the clothes of Mr. Jinnah, Mr. Somjee calls the Police Surgeon.

Witness tells the Court that he had examined the accused on the 26th July and again that morning (November 4th) and found no defect in his right arm. In cross-examination he tells the Court that he had employed all the tests including measuring the arm and found nothing wrong. Thereupon Rafiq makes a strange request for a turban to demonstrate his inability to use his right hand. His Lordship turns down the request. That concludes the evidence by the prosecution and Rafiq is asked whether he wishes to make any statement.

In a long winded statement Rafiq goes back to the year 1935 and harps on the alleged incident in the mosque at Lahore. He then tells the Court that he had written a letter to Mr. Jinnah in which he had complained to him about the leaders of the Punjab and had compared them to hunters. Like the hunter, throwing grain to the birds to get them inside the net, the Punjab leaders used to ensnare the people, who did not see the net, but saw only the grain. He had therefore appealed to them to read and study the Qoran.

Rafiq then goes on to give a history of his activities inside and outside the League till he came down to Bombay. During his movements all over the country, he found the plight of the Muslim community very bad. The youths were either begging in the streets or indulging in the vices of gambling and theft. It was to acquaint Mr. Jinnah of this tale of woe, as he called it, that he went to his house on 26th July. Then he gives a fantastic story of what happened in the Secretary's office and how he was alleged to have been assaulted by Mr. Jinnah and his staff and concludes by saying that he was falsely implicated in this case.

Mr. Somjee then addresses the Jury and discusses the salient features of the case and how they have been proved by calling witnesses. He asks the Gentlemen of the Jury to bear in mind the false entry and the fact that Rafiq had the knife sharpened two days prior to his visit to Mr. Jinnah. Finally he asks them to consider the evidence as

a whole and if they have no doubts in their minds to return a verdict of guilty of attempted murder.

Rafiq is then given the right to address the Jury. Again in a rambling and irrelevant speech he tells the Gentlemen of the Jury that it is not difficult to obtain a revolver without a licence from any member of the fighting forces. If he so desired, he could have shot Mr. Jinnah with a revolver on many prior occasions. He then makes a complaint about the press and says that they should not have painted him as a guilty person before the conclusion of the trial. As a result of the attitude of the press, he is hated by every man and child in every Mohalla. He then tries to point out minor discrepancies in the evidence of various witnesses and then says that this false case has been foisted on him in order to create propaganda for Mr. Jinnah. He concludes by saying: "What I wanted to say to Mr. Jinnah at the house, I have said here and I am quite satisfied. I leave my case in the hands of Your Lordship and the Gentlemen of the Jury."

Mr. Justice Blagden then sums up the case. In an address lasting about an hour, His Lordship explains the law and analyses the evidence that had been led during the four days of the trial. He reminds the Jury that the onus of proof is on the prosecution and they must discharge that onus. If they had any doubts—doubts of reasonable men—then they must give the benefit of that doubt to the accused. At the end of his address His Lordship requests the Jury to consider the verdict.

The Jury retires and returns in about 7 minutes and in reply to the question from the Clerk of the Crown, the foreman announces that the Jury unanimously find the accused guilty of attempted murder. A murmur of approval goes round the Court room.

His Lordship accepting the verdict of the Jury addresses the accused. Rafiq rises to his feet. His Lordship says: "Rafiq Sabir, yours is not an ordinary case. I am prepared to assume in your favour that you acted from

motives which command a certain amount of respect. I do not think you were actuated by any personal animosity against Mr. Jinnah and however misguided you may have been I believe that you wanted to see your country happy and prosperous and thought Mr. Jinnah was an obstacle in the way of that. Having said that I have said all that can be said in your favour. No country can be happy and prosperous which condones murder for political purposes or for any other purpose. The only result of condoning political murder is to substitute the rule of hooligans for the rule of reason as has happened in Germany and has led to this war. You and misguided people like you have to be taught that fact by punishment and example of punishment. The least sentence which I feel I can properly impose upon you is five years' rigorous imprisonment."

Rafiq takes the sentence smiling. He bows to His Lordship and thanks him and is taken away under strict escort amidst a hostile crowd.

Once again the police van is seen rumbling along the streets of the city—taking away one of the most colourful convicts in the recent history of political crime in Bombay.

IV

# THE TRIAL

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CROWN SIDE

Case No. 35 FOURTH SESSIONS, 1943

Emperor

v/s

Rafiq Sabir Mazangavi alias Mahomed Sadiq.

*Clerk of the Crown*: "You, Rafiq Sabir Mazangavi alias Mahomed Sadiq are charged by the Clerk of the Crown as follows:—

That you, on or about the 26th day of July 1943, at Bombay, did an act, to wit, stabbed Mahomed Ali Jinnah with a clasp knife with such intention or knowledge, and under such circumstances, that if by that act you had caused the death of Mr. Mahomed Ali Jinnah, you would have been guilty of murder and that you caused hurt to the said Mahomed Ali Jinnah by the said act and thereby committed an offence punishable under Section 307 of the Indian Penal Code, and within the cognizance of the High Court.

Do you plead guilty or claim to be tried?

Accused: "I claim to be tried".

*The Jury composed of 9 jurors is empanelled.*

*The accused challenges 8 jurors. (The number allowed to him under the law.) The Jurors select the foreman and the trial commences.*

*Before Mr. Justice Blagden and a Common Jury.*

*K. A. Somjee instructed by N. K. Petigara, the Public Prosecutor appears for the Crown.*

*Dr. Daruwalla appears on behalf of the accused.*

Mr. Somjee opening the case for the prosecution told His Lordship and the Gentlemen of the Jury that the accused stood charged under Section 307 of the Indian Penal Code which read: "Whoever does any act with such intention or knowledge and under such circumstances that if he, by th t act, c used death, he would be guilty of murder, shall be punished.........".

Mr. Somjee explained that Mr. Jinnah was the President of the All India Muslim League and as such had been pestered with letters, postcards and telegrams from the members of an Org nisation called the Khaksars. Allama Mashriqui, the leader of the Khaksars had issued a manifesto criticising the attitude adopted by Mr. Jinnah in relation to the Congress and had exhorted and ordered his followers to send thousands of letters, postcards and telegrams to Mr. Jinnah asking him to see Mr. Gandhi. In consequence of this, Mr. Jinnah had been flooded with such letters and telegrams which comprised a huge bundle, and which were handed over by Mr. Jinnah to the police. Some of these letters were comparatively mild while others were threatening and in so many words expressly desired to attack and kill Mr Jinnah. The accused was a member of the Khaksars and bore the name of "Jan Baz" (a man willing to sacrifice his life) of that Organisation.

In view of these threatening letters, Mr. Jinnah was more cautious and had given instructions that if any one desired an interview he should be taken to the Secretary

first. On the 26th July at about 1-45 p.m. the accused came to the house of Mr. Jinnah at Mount Pleasant Road and approached the watchman on duty at the door of the house asking to interview Mr. Jinnah. The watchman took the accused to the Secretary's office where the Secretary asked him to write down what he had to say to Mr. Jinnah. In the meanwhile Mr. Jinnah himself walked into the office in search of a file. After Mr. Jinnah had declined to grant the accused an immediate interview, the accused suddenly hit Mr. Jinnah a blow with his clenched fist on his left jaw, and followed this up by pulling out an open clasp knife and attacking him. Mr. Jinnah parried the blow and held the accused's right hand with his left till such time as the Secretary, the Pathan watchman and the chauffeur came to his assistance and secured the accused. Mr. Jinnah received a puncture wound on the left side of the chin and a cut on his wrist below the little finger of his left hand. Mr. Somjee said he would call the doctor who attended on Mr. Jinnah and prove that had the knife struck Mr. Jinnah half an inch lower on his throat, it might have had serious consequences. Mr. Somjee also told His Lordship and the Gentlemen of the Jury that he would lead evidence to prove that the accused had come to Bombay and lived in a Musafarkhana under a false name and two days prior to the offence had his clasp knife sharpened at a knife sharpener. That in a nutshell was his case and he would call Mr. Fernandes, the plan maker

*R. L. Fernandes—Examined by Mr. Somjee.*

I am the draftsman of the Public Works Department, Bombay.

Q. Did you prepare a plan of the house of Mr. Jinnah at Mount Pleasant Road?

A. Yes, I did.

Q. Under whose instructions?

A. Sub-Inspector Shaik. I went to the house with Sub-Inspector Shaik and under his instructions I marked the points A, B, C, D, and E on the plan. The plan is correct. Plan put in and marked Exhibit N.

*Cross-examined by Dr. Daruwalla.*

The distance between the points D and E is 65 feet. The distance between point A and D is 34 feet.

The compound wall is 6 feet high.

*Syed Ahmed Syed Yacob—Examined by Mr. Somjee:*

I am Mr. Jinnah's Secretary. This is the bundle of letters received by Mr. Jinnah. My room is on the ground floor.

At about 1-30 p. m. on the 26th July the accused was brought in by the watchman. I asked who he was and asked him to sit down. He replied he was from Lahore and wanted to see Mr. Jinnah regarding some Muslim League affairs—urgently. I asked him to write it down on paper and give it to me. He took the paper from me and wrote in Urdu (Ex. "D").

As soon as he finished writing, Mr. Jinnah came into the room and asked who the man was. I told him that he wanted to see him with regard to some Muslim League affairs. Mr. Jinnah asked him to come to-morrow or the day after by appointment as he was busy just then.

Accused then said: "we have sent you so many letters, telegrams etc., asking you to see Mr. Gandhi but you won't see him. You are a tool in the hands of the British Government and a hurdle in our way". Mr. Jinnah said he was sorry he had no time and was just moving away when the accused gave him a blow with his fist. I went to the door to call the watchman when the accused took out an open knife (Ex. "L") and aimed at Mr. Jinnah's throat. Mr. Jinnah parried the blow with one hand and with the other caught hold of accused's hand. I ran to his assistance and caught hold of the accused's hand. Mr. Jinnah received injuries on his hand and chin. Then the watchman came and caught hold of the accused from behind. The chauffeur also came. He took away the knife from the accused. Then other servants came and secured the accused who shouted that he had failed in his mission and was not successful.

I then went away to call the police.

*Cross-examined by Dr. Daruwalla:-*

Q. How long have you been working for Mr. Jinnah?

A. I was employed last February. My hours of duty are 11 a. m. to 6 p. m. I go for lunch between 1-30 and 2-30 p. m. usually but there is no fixed time. Whoever wants to see Mr. Jinnah is brought to me first by the watchman, and I ask him his business. My office is a little away from Mr. Jinnah's study. I was alone in the office that day.

Q. How many watchmen are there?

A. There are three watchmen. They stand duty by turns. Darazkhan was on duty that day, but we don't keep a record of the hours of work of the watchmen. They divide the time amongst themselves.

Q. Have you seen the accused before?

A. No. He did not come to the house before and I don't think he is known to Mr. Jinnah.

Q. How long is your table?

A. As long as the Judge's table but a little broader. The distance between me and the accused was about three feet. The note written by the accused remained on my table. At first the conversation took place between Mr. Jinnah and myself.

Q. Was Mr. Jinnah excited or in a fury when he entered your room?

A. No, he was not, and on seeing the accused he did not ask him to go away. It is not true that the accused begged and beseeched Mr. Jinnah for an interview and he was adamant. Mr. Jinnah did not call him a renegade, a seceder from the Muslim League, nor did he ask him to get out.

Q. How long have you been associated with the Muslim League?



RAFIQ SABIR IN POLICE CUSTODY

*Courtesy "Vatan"*

A. Since 1936. I don't know that the accused was a member of the League or that he resigned in 1939.

Q. Is it not true that Mr. Jinnah caught him by the wrist and pushed him?

A. No.

Q. Is it not true that Mr. Jinnah asked the watchman to see the accused out?

A. No, nor is it true that I caught his hands from behind. I was on the other side of the table and I did not catch him by the shoulder. I shouted for the watchman after Mr. Jinnah was assaulted. The watchman did not beat the accused, nor did Mr. Jinnah put his hands on the accused's throat.

Q. Is it not true that the knife belonged to the house and was brought on the scene after the incident by the watchman?

A. No it is not true.

The chauffeur took the knife away from the accused and took it upstairs to Mr. Jinnah.

Q. What was the accused wearing?

A. He was wearing a khaki shirt, pyjamas and a black cap.

Q. What were you before you started working for Mr. Jinnah?

A. I was the head clerk in the Bombay Provincial Muslim League Office.

Q. Why did Mr. Jinnah come into your room?

A. He wanted a file. Usually he sends for me but sometimes he comes into the office himself.

*As there was a slight discrepancy between the statement of the witness here and his evidence in the Lower Court the statement made by the witness in the Lower Court was put it and marked Exhibit No. 1.*

Q. Who took the Doctor upstairs to Mr. Jinnah?

A. Some servant.

Q. Did the accused say he was sorry?

A. No.

Q. Is it not true that Mr. Jinnah pushed the accused and a scuffle ensued, as a result of which Mr. Jinnah was cut by some part of the body of the accused?

A. No.

Q. Do you know if Mr. Jinnah has received any letter signed by the accused?

A. Mr. Jinnah has received thousands of letters from various people and I don't know if any letter was signed by the accused.

Q. When did the police come?

A. They came about 15 to 20 minutes after the incident.

Q. Did the doctor come before the police?

A. Yes.

Q. Who was in the house at the time of the incident?

A. Mr. Jinnah was alone with his sister in the house at the time.

* * *

*Shah Mahomed Bostan Khan, Watchman—Examined by Mr. Somjee.*

I am a watchman at Mr. Jinnah's bungalow. I saw the accused on the 26th July. He came to Mr. Jinnah's house at 1 p. m. He had two companions standing on the road. Seeing me they moved away. Later when I was at my post, the accused came up to me. He said he wanted to see Mr. Jinnah. I asked him for his name on a slip of paper. He said he had no paper with him. I told him that he couldn't see Mr. Jinnah. He said he had come from a great distance and asked me to manage an

interview. I took him to the Secretary, he sat on a chair and I returned to my post.

After about five minutes, the Secretary called me and I ran towards his room. I saw a knife in the hand of the accused. In his right hand was the knife and with his left he had clutched Mr. Jinnah's coat lapel. Mr. Jinnah was clutching the accused's right hand. I can recognise the knife. (shown Exhibit L.) Yes, this is the knife. I did not notice any injury on Mr. Jinnah. I gave a blow to the hand with which accused clutched Mr. Jinnah and then caught his hand containing the knife. In the meantime, the chauffeur came up and snatched the knife from the accused's hand. Accused struggled with me, and in the struggle he fell down and slipped away towards the compound, but I caught him by the collar and the chauffeur assisted me in securing the accused and brought him to the Secretary's office.

*On the application of the Defence Counsel, His Lordship ordered the accused to be examined by the Police Surgeon as he contended that his right hand was defective as the result of a shock received by him years ago and in consequence he was unable to grasp any object in his right hand.*

*Cross-examined by Dr. Daruwalla:*

I have been employed here since the last six months. There are two watchmen, one on day and the other on night duty. I am the day watchman. My duty is from 7 a. m. to 7 p. m. My lunch time is 12 noon. I live there on the premises near the gate. As we enter the gate my room is to the left and the chauffeur's to the right. My duty is at the entrance of the bungalow and not at the outer gate. Previously any visitor could walk freely through the outer gate to the entrance to the bungalow.

There was no one at the gates to stop him.

I do not remember the day of the week of the incident. It may have been Monday. I was at the gate when the accused arrived. I returned from lunch in about 15

minutes. My brother who is also a watchman cooks the food for us. His name is Abdul Sattar Khan. I am a Pathan and come from Hazara district in the Frontier Province. I did not search the accused when he came. He had a khaki shirt and white pyjamas.

Q. (*Shown a khaki shirt*) Is this the shirt that the accused was wearing?

A. It is the same colour. I can't say whether it is the same shirt. I don't remember how many visitors came that day. Some give their own cards, others write on a slip of paper and I take it to my master and then under his instruction allow them to come in.

Q. What did you do when you saw the accused?

A. I asked him what he wanted. There were two persons standing outside when the accused came up to me. He said he wanted to see Mr. Jinnah. I asked for a chit—but he said he did not have one. He said he came from Peshawar, he had come from a long distance and requested me to get him an interview. I took him to the Secretary's room. The Secretary was sitting in his room facing away from the garden.

*At this stage Mr. Jinnah came into Court and sat down behind the Defence Counsel. Mr. Somjee drew Dr. Daruwalla's attention to it and asked if he had any objection.*

*Dr. Daruwalla objected to Mr. Jinnah's presence in the Court room before his cross-examination had commenced and said "although Mr. Jinnah is a respected member of the Bar, we are all human beings".*

*On hearing this, Mr. Jinnah left the Court room.*

The witness continued:—I took the accused straight from the garden into the Secretary's office. The Secretary was seated at the point marked B on the plan. Accused sat on the chair and then I left. Thereafter when the Secretary called me, I rushed back. It was about

five to six minutes after I took the accused to the office. I could not see anything inside the office from where I stood but when I rushed into the office, I saw the accused with a knife in his hand. The Secretary was between the accused and my master.

Dr. Daruwalla: *Reads the statement of the witness in the lower Court.* Is this statement correct?

A. Yes. I did tell the Magistrate that the Secretary was between the accused and my master.

I don't know who called the police.

(*Shown a khaki shirt*) This may be the accused's shirt, as it was torn near the shoulder, while grappling with the accused. I presume this must be his shirt because it is the same khaki colour and has a tear. *(Shirt put in and marked Ex. No. 3.)*

It is not true that the accused did not have a knife. There was definitely a knife in his hand. Who says there was no knife?

Q. I put it to you that the knife was in the hand of the driver.

A. That is not true. I came before the driver and when he came in, he did not bring any knife with him.

(*Shown the knife*) Yes, this is the knife. I saw it in the hands of the assailant.

His Lordship: Who is the assailant?

A. The man in the dock.

His Lordship: Which man? The police man? (Laughter)

A. No! The accused. I held him from behind. On hearing the shouts I went in running and then the driver came in, and a little later the other servants about four of them came in. When the accused came, it was tiffin time and some of the servants were in the kitchen which is on the side of the Secretary's office. I was not in the office when Mr. Jinnah came.

Q. I put it to you that Mr. Jinnah was holding the arm of the accused when you entered the office.

A. My Master was holding the hand which contained the knife. I did not beat the accused with my fist or anything else. It is not true that Mr. Jinnah held the accused by the throat and pushed him, or that he fell on Mr. Jinnah. I accompanied my master on the tour. I was looking after my master's luggage in the compartment, when he went away with the members of the Muslim League.

I had never seen the accused before on any occasion. It is not true that I saw him at the station or asked him to call at Mr. Jinnah's house after a few days. I always wear the head dress I have on just now.

*Re-examined by Mr. Somjee.*

Mr. Somjee: (*Showing the plan*) Where was the Secretary sitting when the accused was brought into the office?

A. The Secretary was sitting on a chair marked 'D' on the plan.

*Dr. Masina—Examined by Mr. Somjee.*

I am M.R.C.S., L.R.C.P. London. I have been practising for 37 years.

On the 26th July I received a telephone message at 1-45 p.m. to go to Mr. Jinnah's house. I reached his house at 2-10 p.m. I went upstairs. He was sitting on the bed talking to the police officers.

I found two wounds, one on the left hand and the other on the left corner of the chin. Temporary dressing had been put on to stop the bleeding. I found his shirt, collar and coat bloodstained. I removed the temporary bandages and dressed the wounds. The injury to his hand was 1½ inch long but only skin deep. I found a tendon underneath the skin luckily uncut, otherwise the little finger would have remained permanently crooked. The chin wound was a puncture, the bone having stopped the

knife. Had the puncture been ½ inch lower down the throat, it would have injured the jugular vein and the consequences would have been very serious. The knife (Exhibit L) was shown to me bloodstained then and there. The knife could have caused the wounds.

Neither of these wounds could have been caused by a scuffle with an unarmed man by his teeth or button.

I continued to treat the injury as an open wound for some days.

*Cross-examined by Dr. Daruwalla.*

It is possible that the wounds in question could be caused by a big nail.

Q. Who showed you the knife?

A. The Investigating Officer.

Q. Who called you?

A. Mr. Jinnah's Secretary first rang me up—then later Mr. Jinnah's sister.

Q. If one of the two persons scuffling together had a nail sticking out, would the wounds be possible?

A. Yes.

*Abdul Gani Imamdin—Examined by Mr. Somjee.*

I am Mr. Jinnah's chauffeur.

On the 26th July at about 1-30 p.m. I saw a struggle going on in the Secretary's room. I brought the car in the porch and from there I could see the Secretary's room and saw the accused assaulting Mr. Jinnah. I shouted, and the pathan ran towards the office. I got out of the car and ran towards the office too.

Mr. Jinnah was holding the accused's hand, which had the knife. The pathan had caught the accused by the waist from behind, and I caught his hand from the front

and snatched away the knife. I used both my hands to take away the knife. The joints of my thumb were paining for two weeks thereafter.

(*Shown knife*) This is the knife. I took the knife to Mr. Jinnah.

*With the big clasp knife, clenched in his hand, His Lordship approached the witness:*

His Lordship: "How did you snatch away the knife from the accused's hand while he was attacking Mr. Jinnah?"

*His Lordship was standing near the witness firmly and strongly holding the same knife that the accused is alleged to have employed in attacking Mr. Jinnah.*

Witness: *With both his hands he caught hold of the right hand of His Lordship and after a moment's struggle snatched it away:* I did it like this!

His Lordship: Were your nails as sharp on that day as they are to-day. (Laughter.)

Mr. Somjee: I hope your Lordship is not hurt.

His Lordship: Not unduly. (Laughter.)

His Lordship to the Jurors: It requires a fairly strong hand to pull out the knife in the manner the witness has done and I am satisfied with the demonstration.

Witness continues: I saw the pathan and the accused struggling on the verandah opposite the Secretary's office.

The accused managed to get away and ran out in the compound. The Pathan followed him and I ran after them too. The Pathan caught hold of his shirt collar from behind, and I caught him by the waist. I put my hand inside the trousers waist band to hold him securely and

prevent his getting away. We caught him inside the compound, before he got to the outer gates. He was three quarters of the length away from the house. We brought him to the Secretary's room and made him sit there.

After sitting down, the accused said, "It was your duty to serve your master and you have proved faithful to him. But I have failed in my mission, this knife did not do the work. We sent 500 telegrams to him to see Mr. Gandhi."

He was alternately laughing, weeping, invoking the aid of God and reciting verses from the Qoran.

*Cross-examined by Dr. Daruwalla*:

Q. Do you keep a watch? What time is it?

A. I do keep a watch. It is 17 minutes to 1 o'clock.

*His Lordship sees the watch and finds it correct*

Q. How long have you been in service.

A. On the 9th of this month I will complete six months.

Q. Where is the car?

A. In the garage, and my room is also there. There is a slope and the bungalow is on a lower level. There is a circle with a tree in the compound. When I pulled up the car at the entrance I was facing east, towards the Secretary's office. I got out of my driving seat and from there I could see the Secretary's office. I did not see the people in the office while I was in the car. I saw them only after I got out. I was not waiting for Mr. Jinnah. I saw the accused as soon as I got out of the car. I bring the car as and when ordered—and then I wait for my master. It is not my practice to blow the horn or inform my master. It is not true that while I was waiting the pathan was also waiting with me.

As soon as I got out I saw the scuffle and ran

towards the office. I heard Mr. Jinnah's voice saying, "Where have you come from ? Go away" and then saw the scuffle. The talk was in Urdu.

Mr. Jinnah had caught hold of the accused's hands. I heard no request for an interview, but a struggle was going on. The Secretary was between Mr. Jinnah and the accused on one side. I did not say this to the Magistrate because I was not asked.

Q. What did you do ?

A. I took the knife from the accused and while Mr. Jinnah was going up I handed the knife to him. There is a lift, but he was going up by the steps.

*There was an interruption at this stage.—The accused and the Defence Counsel could be heard arguing and then the accused stood up and said "I will conduct my own case. I do not want to tell lies."*

Defence Counsel to His Lordship : My client does not wish me to ask any more questions.

His Lordship : In that case you will have to defend yourself to the very last.

Accused: Yes! I will conduct my own defence till the end.

*Dr. Daruwalla withdraws.*

His Lordship : Do you want to ask any questions.

Accused : Yes.

Q. You did not snatch the knife out of my hands, but picked it up from the ground four paces away.

A. No, that is not true.

Q. How frequently did Mr. Jinnah coach you as to what to say ?

A. No one has tutored me, not even Mr. Jinnah. I am speaking the truth in the presence of God.

*MAHOMED ALI JINNAH—Examined by Mr. Somjee.* I live at Mount Pleasant Road in my bungalow. My Secretary's name is Mr. Syed and he has his office on the ground floor of the building. I have my office on the ground floor too. I am the President of the All-India Muslim League and a member of the Central Legislature.

Uptil July 23rd 1943, my house was open to all and any person who wanted to see me could walk into my office room.

From 15th June I began to receive telegrams, letters, manifestoes and post-cards from various people.

His Lordship : Don't tell us the contents of these.

Mr. Jinnah: I returned to Bombay on the 23rd July from my tour. In consequence of these letters, I was a little more careful and had given instructions to my Secretary that if anybody wanted to see me he should first ascertain what his business was. I handed over a big bundle of these letters to the Police.

Mr. Somjee: I produce the bundle of letters and the Manifesto.

His Lordship: No. No! If you want to put in these letters you will have to do it in the proper way.

Q. (shown a post-card) Did you receive this post-card?

A. I must have received this post-card as it is addressed to me. I handed it over to the Police.

Q. Is this the Manifesto of Allama Mashriqui and is the paragraph quoted on page three of the Manifesto correct?

A. This is the Manifesto and at page three the paragraph quoted is substantially correct.

(*Manifesto put in and marked Ex "C."*)

Q. Did you receive a letter from Mr. Gandhi ?

A. No I have not received a letter from Mr. Gandhi.

Q. Will you please tell His Lordship and the Gentlemen of the Jury the incidents of 26th July ?

A. On the 26th July at about 1-30 p.m. I was working in my office. I was very busy but as I wanted some papers for reference, I went to the Secretary's room, when I saw the accused seated in the room near the Secretary, writing something. I asked my Secretary what this gentleman wanted. He told me that he wanted an interview with me as he had some urgent business. He had told him that I was very busy and asked him to state in writing what he wanted to say.

(This is the paper on which he wrote.)

"Respected Jinnah Saheb,

Peace be with you. I have reached Bombay with a hundred difficulties. Please allow me to have the honour of an interview for some urgent work."

Rafiq Sabir Mazangavi."

*Paper put in and marked Exhibit D.*

I then turned to the accused and told him that I was very busy and I was sorry I could not see him immediately and asked him to write what he wanted to say and I would look into it and fix an appointment for to-morrow or the day after.

My whole mind was on my correspondence and I was trying to get out of the room. Just as I was about to leave the room, in the twinkling of an eye, the accused sprang on me and gave me a blow with his clenched fist on my left jaw. I naturally reeled back a bit when he pulled out a knife from his waist.

Q. What did you see?

A. I saw the knife coming. (Laughter). It was an open knife.

Q. Is this the same knife?

A. This is the same knife.

*Knife put in and marked exhibit "L".*

Instinct of self-defence made me put out my hand and catch his wrist, with the result that the momentum of the blow was broken but in spite of this the knife just touched the left side of my jaw. I got a cut near my chin and my coat was cut near the left-shoulder. In the scuffle I also got a wound on my left finger.

In the meantime my Secretary and watchman came from behind and pulled the accused away from me and held him. I was not there when he was disarmed but my chauffeur brought this knife to me. I went up to the first floor and Dr. Masina on his arrival attended to my wounds.

The Police had not arrived till then.

Then I came down and heard the accused shouting: "I am not an hired assassin. I have done this to carry out the orders of my leader Allama Mashriqui, as Mr. Jinnah is in the way of the freedom of India and he is a tool in the hands of British Imperialism."

He was very excited and said that he was very sorry that he had failed in his mission.

This was all before the Police came.

Q. Did you see the accused before the 26th July ?

A. I did not see the accused before.

These are my clothes. *Clothes put in and marked Exhibit B. Nine telegrams dated from 5th July, 1943 to 17th July 1943 from Yedsi, Quetta and Bhopal were read out, and put in collectively and marked Exhibit O.*

These are the letters and postcards received by me and handed over to the Police.

*Letters from Multan, Hyderabad Deccan, Ambala, Madras, Bhopal, Indore, Shaikpur, Allahabad and Gujranwalla, dating from June, 1943 to 13th October 1943 were read out by Mr. Somjee and were put in collectively and marked Exhibit P.*

*CROSS-EXAMINED BY THE ACCUSED :—*

Accused :- I speak and understand Urdu. Therefore I beg your Lordship to allow me to put questions in Urdu.

His Lordship :- Questions in Urdu cannot be allowed for the language of the Court is English and the questions must be in English too.

*With the assistance of the Court interpreter, the accused cross-examined Mr. Jinnah.*

Q. (by the accused) :- Were all the letters sent to you dated after the Manifesto of 5th June of Allama Mashriqui?

A. All the letters sent to me were after the Manifesto of 5th June.

Q. Isn't it possible that these letters may have been written by some persons, not Khaksars, in order to bring about disunity between the Muslim League and the Khaksars?

A. It is not for me to express any view on that point.

Q. Did you go to Lahore to settle the dispute of the Shahidgunj Mosque in 1935?

A. Yes! But I do not remember the year.

Q. Were Zafferalli Khan and other leaders in Jail at that time?

A. Yes.

Q. Were you taken in a procession to the Mosque?

A. No.

Q. Did you meet Professor Malik Inaitullah at the entrance of the Mosque?

A. As a matter of fact, when I entered the Mosque, Prof. Malik Inaitullah was actually hiding inside the Mosque because the Police were looking for him. Prof. Malik and others spoke to me inside the Mosque. I went to Lahore at the request of a large body of Muslims and Non-Muslims of Lahore.

Q. Do you remember my handing over a letter to you there after the meeting?

His Lordship to the Accused :- You must be seventeen then.

A. No. I do not! I don't remember any boy of seventeen handing me a letter.

His Lordship :- May be the accused did not have a beard then. (Laughter).

Q. Was there a Session of the All-India Muslim League at Allahabad in April, 1942?

A. Yes, it was about that time, the time of the Sir Stafford Cripps Mission.

Q. Is it true that Maulana Hazrat Mohini was turned out of the Session because he differed from you?

A. No, it is not true.

His Lordship :- What has all this to do with the case?

Accused :- I thought Mr. Jinnah was a leader of the Muslims.

His Lordship :- You thought right. (Laughter)

Accused :- I am putting these questions because of that and I submit they are relevant.

His Lordship :- Well, you can't go into the history of the Muslim League.

Q. Did you promise to explain Pakistan in 1942?

A. That is set out in a well considered resolution of the Muslim League as far back as 1940. Every one in India understands what Pakistan means except those who do not wish to understand. (Laughter).

Q. What does the public understand by Pakistan ?

His Lordship :- It has no bearing on the case. Question not allowed.

Q. Explain what you mean by Pakistan.?

His Lordship :- The question is irrelevant and cannot be allowed.

Q. Have you and Nawabzada Liaqatali anything to do with the daily paper "Dawn" of Delhi.

A. Yes. I founded it and Nawabzada Liaqatali is supervising it.

Q. Who is the chief editor of the paper ?

His Lordship :- It has nothing to do with the case.

Q. Is the salary bill of "Dawn" over Rs 3000/-a month ?

His Lordship :- I have repeatedly told you that questions like these have no bearing on the case.

Q. Is there any personal enmity between you and me ?

A. None whatever !

Accused :- As I disagree with the policy of Mr. Jinnah, I ask permission to put questions on that.

His Lordship :- You can't do that. You can question his character or impeach his veracity if you like.

Accused :- I want to ask questions about the marriage of Mr Jinnah's daughter ? (Laughter).

His Lordship :- Certainly not !

Q. Are large number of copies of the Qoran presented to you ?

A. Yes !

Q. Why ?

His Lordship :- How can Mr. Jinnah say why a thing is given to him.

A. It is very often a mark of respect and reverence among Muslims to present a copy of the Qoran.

Q. Could it be that the Qoran was given to you to make you give up politics and turn to religion.

A. No! Not even the letters suggest that. They do not want me to give up politics. What they want me to do is give up *my* politics and follow *theirs*. (Laughter).

Q. Did Abdul Majid of Sind resign from the Muslim League?

A. I believe so.

Q. Why?

His Lordship :–How can Mr. Jinnah say!

Q. (*shown a cutting from a paper*) Is this a report of the statement of Shaik Abdul Majid.

A. Yes.

Q. Did he not resign because he did not want to sin before God by serving in the League.

A. No, there is nothing to that effect in his statement.

His Lordship :–These questions are irrelevant.

Q. Has your house got a name?

A. No, It has no name. I said so to the Magistrate too. My name-board is outside the bungalow. Yes, if a man stands at the gate he can see the door of my study as well as the door of my Secretary's office.

Q. What was I doing when you came into the Secretary's room?

A. When I entered the Secretary's room, you were sitting down, writing or just finishing writing. You stood up when I came in, so did my Secretary.

Q. Did I get up and bow to you?

A. I don't remember, but I don't think so.

Q. Did I look irritated or excited at the time?

A. I did not observe whether you were or not. You were sitting on the Chair marked "B" on the plan, when

I came in. My Secretary was on chair "C". He sits on the side of the straight edge of the table as it is more convenient for typing and gets better light there. I came through the first door to the Secretary's room. After I entered the room I did not read the letter written to me nor did the Secretary read it to me. I asked who the accused was and the Secretary told me he wanted to see me immediately.

It was after the accused was overpowered that the letter was read over to me by the Secretary.

Q. When did you leave the room?

A. I only left the room when you were overpowered. The chauffeur was one of those that overpowered you. The knife was in your hand. The Secretary and the watchman pinioned you from behind. You were pulled away from me as the chauffeur came up and in the twinkling of an eye, the chauffeur had snatched the knife out of your hands.

He did that very cleverly and quickly.

His Lordship:–Yes, it was very clever, he gave a demonstration of it to me.

A. Then I came to my Library from the Secretary's room. The chauffeur came from the verandah and handed me the knife, near the stairs or in the Library. I am not quite sure. I am definite that the knife was handed to me within a minute but I can't be definite where. I am definite about the letter being read to me in the Library.

Q. What caused the injury?

A. The injury was caused by the knife and nothing else.

(*Mr. Jinnah demonstrated how the knife was pulled from the waist and held by the accused.*

It is not possible that I could have bumped my head against him. As far as I could see, the knife.

was pulled out from the left hand side. I don't remember whether the accused pulled up his shirt before pulling out the knife. It was quite possible that he may have taken it out from his shirt pocket. But I am quite sure that the knife was open and not closed.

Q. Is every one who wears a khaki shirt, a Khaksar?

A. I do not know.

Q. Your watchman wears a khaki turban. Is he a Khaksar?

A. I do not know the colour of his turban. Yes. I do see my watchman every day, I saw him this morning, but I can't say what colour turban he wears.

Q. How many times did you coach your servants about the evidence to be given by them?

A. Not once. I never spoke to my servants about the case. I was not present even when the Police saw my servants. I don't know how often the Police saw my servants. Once when Sub-Inspector Shaik came, I asked him not to question the servants in my presence, and asked him to get in touch with my Secretary. Three or four minutes after I entered my Secretary's room I was attacked. My Secretary was occupying a chair marked C on the plan.

Q. Where was the Secretary when you received the first blow?

A. He was not far away. He was standing near the chair. In trying to ward off the blow, the knife cut my hand and scraped against my coat, thereby cutting it. The injury to my chin was a cut and not a scratch, and the bloodstains were the result of the injury to my cheek and hand.

Q. What amounts have you collected for the Muslim League Organization and how have you utilized them?

His Lordship :- What is the suggestion?

Accused :– I am a member of the League and I am entitled to put these questions to Mr. Jinnah.

His Lordship :– You can do that at the proper place and the proper time. This is a Court of Law.

Accused :– I went to the proper place to get replies and there I got arrested and implicated in this case. (Laughter).

His Lordship :– I can't help that.

Accused to Mr Jinnah :– Do you know that I was the propaganda Secretary of the Muslim League of Lahore in 1939 ?

Mr. Jinnah :– Not that I know of.

*AFTER THE CROSS-EXAMINATION :–*

His Lordship asked Mr. Jinnah :– Is it true, as sought to be made out by the accused that the knife was not used by him and that the chauffeur had told you that he saw the knife in the hands of the accused ?

Mr. Jinnah :– It is not true.

His Lordship :– Is it true as suggested by the accused that you were excited and wanted to chuck out the accused ?

Mr. Jinnah:– No, on the other hand, I gave definite instructions to my staff not to hurt him in any way after he was overpowered.

*Ismail Dada Miya—Examined by Mr. Somjee.*

I am a knife grinder. I sharpen razors and knives on my grinding wheel. I did not know accused before (*shown a knife.*) This was brought to me for sharpening. I don't know whether it needed sharpening. The man who brought it to me had a small beard. I can see him in the dock in the Court, but I had never seen him before. I was paid two annas by the accused for my labours. The accused was brought later to me by the police. I had sharpened the knife two days before he was brought to me by the Police.

*Cross-examined by the Accused:—*

I have given evidence in the lower Court. I stated before the Magistrate that the Accused had asked me to sharpen the knife well. Though it did not need much sharpening. I admit that the knife was slightly blunt.

(*Shown his deposition before the Magistrate*). It records what I said there.

*Deposition put in and marked Exhibit No. 4.*

Q. Do you know that there was rust on the knife when I brought it to you ?

A. There was a little rust on the knife.

*Noor Mahomed Alibhoy Maniar—Examined by Mr. Somjee.*

I am the Manager of a Musafarkhana known as the Haji Ismail Haji Habib Trust Musafarkhana at Pakmodia Street, Bombay. I had seen the accused at the Musafarkhana. He stayed there from the 6th to the 13th July and has signed the records. He signed as "Mahomed Sadiq". I produce the Register. (*Entry put in and marked Exhibit "F".*) His full name was given as "Mahomed Sadiq Moulana Oomruddin."

*Mr. Somjee read the entry in the Register to the gentlemen of the Jury. It showed that the accused came from Poona, stayed 8 days and the object of his visit to Bombay was in search of his brother.*

Q. Is the entry in your handwriting.

A. Yes. It is in my handwriting. I recorded that the accused has come in search of his brother because the accused told me so. This Register is maintained in the ordinary course of management of the Musafarkhana. The accused himself gave his name as "Mahomed Sadiq".

*Cross-examined by the Accused :*

Q. Did I not give my name as "Rafiq Sabir Mahomed Sadiq".

A. No. You gave your name as "Mahomed Sadiq".

Q. You may have been in haste and so put down only the words "Mahomed Sadiq".

A. No. You give that name only.

*William George Kilburn—Examined by Mr. Somjee.*

I am the Inspector in charge of the Gamdevi Police Station. I received a telephonic message at about 1-45 p.m. on the 26th July. The message came from Mr. Syed, Mr. Jinnah's Secretary. I went over to Mr. Jinnah's residence in a taxi with Sub-Inspector Godiwalla and a constable. I found the accused in custody of two or three servants of Mr. Jinnah. I asked Sub-Inspector Godiwalla to take the accused into police custody. I went up to Mr. Jinnah, on the first floor of his house. I took his first statement and made a panchnama of the knife when taking charge of it. *Shown a knife.* This is the knife which Mr. Jinnah handed over to me. Mr. Jinnah had injuries on his person. He had a cut on his hand and on the jaw. I recorded the statements of Mr. Syed and Dr. Masina. I then went upstairs again to record further statement of Mr. Jinnah. Clothes of Mr. Jinnah were blood-stained.

*Cross-examined by the Accused :-*

I did not see any bloodstain on the bed of Mr. Jinnah. I saw the knife in Mr. Jinnah's room upstairs and he handed over the knife to me.

*Syed Jillani—Examined by Mr. Somjee.*

I was the editor of an Urdu Weekly called "The Sultan". This paper is defunct now. There is a Khaksar organisation in Bombay. I am the head of the Students' Organisation of the Province of Bombay. The office is at 18 Ibrahim Rahimtoola Road, Bombay. I live in the office and pay the rent of the premises.

*Shown Exhibit C—The Manifesto of Allama Mashriqui.* I have seen the manifesto. I saw it about the 15th of July 1943. There were many copies in circulation and I

received a copy. I have read it and in accordance with instructions contained I wrote a letter to Mr. Jinnah and caused other people also to write to Mr. Jinnah.

I know the accused. I came to know him 10 or 15 days before the incident. I met him at a cloth shop at Bhendi Bazar. He said he was a poor man and wanted me to find a job for him.

Q. Why did he ask you particularly for a job?

A. I can't say! I told him to see me at the office of the Khaksar Organisation, where he came and again asked me for a job. He said he knew electrical work. I usually try to get jobs for people who approach me for I think it is my duty to do so. I told him I would get in touch with the Khaksars doing electrical work and find out if there was any employment. I did not know till then whether the accused belonged to any political party. I could not find him any work for two days so I asked him if he was prepared to do any other work. He said he had spent all his money and the sooner he got a job the better. He was living in a Musafarkhana, since how long I don't know, but after he got a job, he requested me to let him stay at my place.

Q. How long did he stay with you?

A. About 8 to 10 days, I don't remember the exact date, but 8 to 10 days before the incident. His bedding was in my room. If a poor man requests me to help him, I allow him to stay with me. I thought he would stay with me for a few days and then go away on getting a job.

Q. What happened on 26th July?

A. On 26th July he left my place at 8 A.M. as usual. He didn't return to my house. After that he came to my rooms with the police. The police questioned me and asked for his kit. His bedding was not there but the leather straps of the bedding were found in

the loft in my office rooms. They must have been put there by the accused.

*Shown Exhibit E.* These are the straps.

His bedding was produced subsequently.

There is another Khaksar office, and as many Khaksars come down to Bombay, some sleep there. His bedding was recovered either on the night of the 27th or 28th July. I was not in my rooms that night, so I don't know how many Khaksars slept in my office. Khaksars from various parts of Bombay had collected in the office after the incident.

Q. Did you know to what political organisation the accused belonged?

A. I did not. Usually 2 to 4 Khaksars sleep in my office. Only poor or deserving non-Khaksars are allowed to sleep in my office. Khaksars usually make use of each other's articles.

The bedding was sent to the C. I. D. office from the other organisation. I was present at the C. I. D. office when the bedding arrived. I know Mahomed Saeed. I don't know who brought it. I had asked all the Khaksars to search for the accused's bedding. The police searched my office and took possession of certain papers.

Q. Are these the copies of letters sent to Mr. Jinnah.

A. Yes—They are cyclostyled copies. The name of M. A. Jinnah on all three copies is in my handwriting *3 copies tendered and marked Exhibit Q.*

These were prepared by me to be sent to Mr. Jinnah by different persons.

There are 39 in all. *Marked Exhibit Q.*

Q. How long have you been working here.

A. About 2 years. Since Mashriqui was released from Vellore Jail. I have been taking an interest in the Khaksar movement, since 1937. I am an officer of

the movement. I know the paper "Al-a-lam". It comes from Cawnpore and Gulam-Kadir is the editor. I don't know if it is the official organ of the Khaksars.

*Photograph of the accused in that Newspaper was disallowed as His Lordship felt that it can prove nothing.*
*Cross-Examined by the accused:*

Q. Did I display any sign that I was a Khaksar or say so?

A. No.

Q. What did my employer tell you?

A. Your employer is a friend of mine and told me that you took an interest in your work.

Q. Did you see any knife on my person or in my bedding while I was with you?

A. No.

*Mr. A. K. Shaikh Sub-Inspector, Crime Branch. Examined by Mr. Somjee:-*

I went to Mr. Jinnah's bungalow on 26th July, I took charge of the accused, the knife and the clothes of Mr. Jinnah. I searched the accused and found a Muslim League form for enrolment in the name of one Kudratullah.

*Shown form.* This is the form. *Marked Exhibit G.*

I went to the shop of Ismail Dada Miya, in consequence of a statement made by the accused. He pointed out the house and the witness. He also took me to the Musafar-khana and Mr. Jillani. Accused accompanied me and pointed out all the places.

I made a punchnama of articles recovered. *Marked Exhibit I.* Bedding straps were produced by accused from a loft in the office. The bedding was brought the next day by one Mahomed Saeed, and it was returned to the accused by order of the Magistrate.

I sent Mr. Jinnah's clothes and the knife to the Chemical Analyser.

*Report of the Chemical Analyser and Imperial Serologist, produced and marked Exhibit M.*

The report states that the clothes and the knife were stained with human blood.

Q. How many letters, telegrams and postcards were handed over to you—in a bundle?

A. I counted them. There were 1,000 postcards, 500 letters and 500 telegrams.

*Cross-examined by Accused:*

Q. Who gave you the bundle of letters, etc?

A. Mr. Jinnah handed them over to me, about a week after the incident. No other letters were given to me—I did not find any letter written by you. I made enquiries about Kudratullah but never met him—No one told me that you paid two annas and that Kudratullah put his name instead of yours.

Q. Who pointed out the knife grinder and his shop to you?

A. You did.

Q. Did you repeat the evidence to Mr. Jinnah's servants?

A. No. I did not—I went to question them. I asked for the C. I. D. staff from Lahore, U. P. and Bengal to help in the investigation.

Q. Did any one say I was a Khaksar.

His Lordship (to the interpreter) :- You better warn him that it is a dangerous question.

Q. Did the C. I. D. officers submit reports about me.

A. Yes, they did, but I don't know if they are about your speeches. I did not produce you before the C. I. D. officers from C. P. or Berar.

*Khan Saheb Abdul Aziz Saheb—Examined by Mr. Somjee.*

I am Deputy Superintendent of Police, Crime Branch-Pathans.

In consequence of the statement made by the accused I went to the office of Mr. Jillani with the accused

and Sub-Inspector Shaik. Accused searched for his bedding there but did not find it. We took charge of the straps which he produced.

Accused also took us to a knife sharpening shop at Duncan Road and to the Musafarkhana.

The Bedding came to the C. I. D. office next morning.

*Cross-Examined by the Accused :-*

Q. Have you read Qoran ?

A. Yes I have. I repeated verses of the Qoran to you, because from your talk I gathered that you thought I was a Non-Muslim. It is not true that I recited the Qoranic verses for 3 days before the C. I. D. came from Lahore.

*Abba Gani-Panch Witness—Examined by Mr. Somjee. Shown Exhibit I. Panchnama.* It bears my signature and was written in my presence in the room of Mr. Jillani. The contents of the document are correct.

His Lordship to the Accused :- Do you want to ask any questions to the Panch witnesses.

Accused :- Yes.

*Shamrao Chandu Shet — Panch Witness — Examined by Mr. Somjee. Shown Exhibit J.* It bears my signature. It was made in my presence. I was the panch and contents of the document are correct.

*Cross-Examined by Accused :-*

The Panchnama is in respect of a bedding which was brought to the C. I. D. office. I was called from my tea-shop on Hornby Road. I am not an informant of the C. I.D. All sorts of people come to my shop, police as well as laymen.

*Mr. Somjee informed His Lordship that the Police Surgeon had examined the accused—and if the accused desired he could call the surgeon.*

His Lordship :- Do you want the police surgeon ?.

Accused :- Yes.

His Lordship :- I warn you that he may harm your case.

Accused :- I still want the police surgeon.

His Lordship : Please ask the police surgeon to be here at 2-45 P. M.

*Police Surgeon : Called as Court witness—Examined by Mr. Somjee.*

I first saw the accused on the 26th July and I have again examined him this morning.

On the 26th July he had one recent nail mark 1/6 by 1/8 inch on his wrist. He has no defect in his arm.

*Cross-Examined by Accused :-*

I have employed all tests to find if your arm was defective, including measuring your arm. There is no necessity in my opinion to ask you to sharpen a pencil.

*Accused then requested for a turban to demonstrate his inability.*

His Lordship :- No, you can't do that.

Q. Is there a tiny scar on the back of the right wrist?

A. Yes there is and also a bony prominence there.

There is no need for an electric test. There was no mark on your throat.

## *STATEMENT OF THE ACCUSED*

My connection with Mr. Jinnah was from 1935 to 1939, I as a member of the Muslim League and he as the Leader. I was a member of the League up to 22nd December 1939. In 1935 when Mr. Jinnah came to Shahi Mosque at Lahore, he entered the Mosque with his shoes on and walked in that manner for two spaces. Malik Ferozuddin and Prof. Inayatullah told Mr. Jinnah that it was a mosque and that he must take off his shoes. I think that must have been the first time he ever entered a mosque in his life.

His Lordship: We are not trying Mr. Jinnah for impiety, but you for attempted murder. (Laughter)

Accused: There is no enmity between Mr. Jinnah and myself over any property or over any woman. (Laughter)

I look upon him as a leader and I went to his bungalow as a leader. After the meeting in the Shahi Mosque I presented a letter to Mr. Jinnah. It was in an envelope.

His Lordship: What have you to say about the 26th July?

Accused: Let me have my say regarding Mr. Jinnah's letter and then I will come to the incident.

His Lordship: Go on.

Accused: In that letter I said:- "Leaders of Punjab were like hunters for selfish purposes and ensnared poor people like us. We the public see the grain inside the net and not the net, and hence get entrapped. So for God's sake you reform the young men and acquaint yourself with the principles of religion. If you act according to the Qoran all the defects of the Muslims will be removed".

Thinking that Mr. Jinnah would do something I continued to be his follower and carried on the work of the League with great zeal and enthusiasm. During 1935 to 1939 I worked in co-operation with the Punjab Muslim League Leaders and I think Mr. Jinnah used to get reports of my work. In 1939, the Punjab Leaders tried to dissuade me from leaving the League but I told them that the League was not doing anything for the Muslims or for humanity except talking, and so I resigned and told them I would remain neutral, but offered to help them in such manner as I could. Report of my resignation was conveyed to Mr Jinnah. Thereafter in my individual capacity I was serving the public. On 18th March 1940 I received a letter from Moulan Zafar Ali Khan, Editor of Zamindar that I should make arrangements to clear the roads and other arrangements for the reception.

of Mr Jinnah. Mr Jinnah was to come there in the evening of 24th March, 1940.

His Lordship : Please come to the point. You are charged with your action in 1943.

Accused : There is some connection between these events and the incident of the 26th July.

On the evening of 18th and 19th March I fixed bamboo sticks in the ground for flags and decoration for the reception of Mr Jinnah. On 19th March 1940 at 1 p.m. some Khaksars wanted to go to the mosque to pray but were stopped by the police from doing so. Then a fight took place between the Khaksars and the police. The police opened fire. Some persons were arrested and I was one of them. As the letter of Zafar Ali was in my pocket I was released 9 months later. After my release, the Muslim League tried to induce me to work for the League, which I flatly refused to do. Thereafter in my spare time I served the public as much as I could. I did not join any party organisation. On 12th June 1942, I was arrested by the police under Rule 129 of the Defence of India Rules and two months later released. Thereafter I Left Lahore and did business in U. P., C. P., Bengal and Berar and served the public in my spare time. I used to treat the injured and sick and prescribed medicine for them and did work in the mosque. Wherever I went I found the plight of the Muslim community was very bad. I found that Muslim youths were either begging or were committing offences like gambling and theft. Seeing that I used to feel very much for them. Then I came to Bombay. I thought Mr. Jinnah was a leader of the community and that I should approach him and tell him of the suffering of the community. As he is a very big man, he is unaware of what is happening in a poor man's hut.

On 23rd July Mr. Jinnah returned to Bombay from Quetta. News of his arrival was made public and I went to the station to receive and see him. A large crowd was there. When Mr. Jinnah alighted, 1 saw his watchman handling the luggage. I saluted the watchman and said

I wanted to see Mr. Jinnah and asked him for some time. He said he has returned from a long journey and he must be tired, so come after few days and he would arrange an interview with Mr. Jinnah.

On the morning of 26th July instead of going to work, I went to the bungalow of Mr. Jinnah. When I went to the gate of Mr. Jinnah's bungalow, I could see the watchman near the verandah being the same man I had met at the station. Whilst standing at the gate I saluted him and he seeing me walked a few paces in my direction and then stopped and made a sign to me to come near him. While I was proceeding towards the watchman, I looked at the bungalow. I could see Mr. Jinnah in the room standing and reading something. Then I went to the place where the watchman was. He took me to the Secretary's room. The Watchman told the Secretary in my presence that I was the man whom he had seen at the station, and that I wanted to see Mr. Jinnah. The Secretary was occupying the chair marked 'C' in the plan. He got up and asked me to sit on the chair marked 'B.' He asked in what connection I wanted to see Mr. Jinnah. I remember very well the words I uttered. I said I had come from a long distance and I wanted to tell him my tale of woe. The Secretary asked me my name. I said I am not a big man, so that there was no need ot giving my name. The Secretary asked me to remain seated in my chair and he got up and went out. The Secretary came back and asked me to write down what I wanted to say. He gave me a paper and pen for the purpose. I wrote on that paper. I was sitting in chair marked "B" and I had not finished writing when Mr. Jinnah came into the room. I saw Mr. Jinnah when he came near the corner of the table between "C" and "D". I stood up and saluted him. He responded to my salaam. The Secretary translated the contents of the letter to him. After hearing my name Mr. Jinnah asked me to get out of the room. Mr. Jinnah spoke in English and I understood that he wanted me to get out of the room by a gesture. I requested him in Urdu that he was a great leader and

representative of the Prophet and for God's sake to hear my request. He did not heed my request and said something in English, which I understood to mean "go away". He showed me the door. I told him that we had made him a leader and we were prepared to sacrifice for him and if he did not listen to my tale who would? He then caught me by the wrist and tried to turn me out. I wrenched my hand from his grip. He tried to catch my arm, when the Secretary caught me from behind and turned me bodily. I shook him off. Again the Secretary tried to turn me and again I shook him off and remained standing where I was. The Secretary let me go. Jinnah was talking to me in English and I was speaking in Urdu and neither of us understood the other. Then somebody gave me a blow from the back with a clenched fist. I thereupon fell in front of Mr. Jinnah. Mr. Jinnah receded a step, caught me by my throat and pushed me back. Somebody from behind caught me by my neck. Subsequently I found it was the watchman and that it was he who had given the first blow. I wrenched free with force and gave a powerful blow on the watchman's face, as a result he reeled and fell against the wall. By that time, the cap that I was wearing had dropped down. Then Mr. Jinnah gave me a first blow on my head. I then gave him a fist blow with my left hand.

His Lordship: With what hand did you hit the watchman?

Accused: I caught him by the right hand and hit him with the left.

Mr. Jinnah fell down near the wall. I saw the Secretary running and I gave a blow to him on the back of his head and he went out staggering. By then there was a lot of noise and the chauffeur and some other servants came in and began to beat me and I also retaliated. Mr. Jinnah was not there at the time as he had already bolted. I fell down as a result of the fight. All this lasted from 5 to 7 minutes. I was made to sit there. The watchman was coming near me to beat me, but the chauffeur prevented him. The Secretary left the room after

Mr. Jinnah. Three or four persons whom I did not know and who had not come to Court were holding me. The Secretary came and said something to the driver. Whereupon the driver and the watchman abused me and assaulted me. I was detained there for two and a half to three hours. During this time the chauffeur was holding me by the waist-band and the watchman pressing my fingers with great force. As I had rings on my fingers, it caused me great pain. Though I did not want to cry, I shed tears because of the treatment meted out to me. The chauffeur told me that I ought not to have struck Mr. Jinnah at all, even though he struck me, as he was a big man. He said this in a nice manner. About two and a half hours later many people came there amongst whom were some police officers. First I was taken to the hospital and then to the C. I. D. office. I showed my wounds one on the back of the left hand and the other on my throat. There were nail marks. At the hospital the Doctor asked me whether I had taken liquor. He smelt my mouth and flashed a torch light in my eye. He gave me a paper and asked me to write something and I wrote that the Doctor was a very efficient man. At the C. I. D. office I was questioned as to what place I belonged. I answered them and showed my place of residence and place where I worked. On being asked whether I had come to commit murder, I said I was one of those, who made Mr. Jinnah the leader of the Muslims and we did not want to murder him. I was put in a lock-up.

His Lordship: Do you want to call any witnesses.

Accused: I have no witness of the incident, but I want to call some witnesses to show what sort of treatment Mr. Jinnah gives to people.

His Lordship: You will then lose the right of addressing last.

Accused: Then I don't want to call any witnesses.

There was human blood found on the knife, but where is the proof that it was Mr. Jinnah's blood? Specimen

of Mr. Jinnah's blood should have been sent to the Chemical Analyser to compare with the blood on the knife.

His Lordship: This is a sensible suggestion. Maybe the prosecution will use it in future cases.

*MR. SOMJEE'S ADDRESS TO THE JURY.*

Mr. Somjee in addressing the Gentlemen of the Jury pointed out that since Mr. Jinnah received those threatening letters, he was a little more cautious and had given instructions that if any one desired to interview him, he should be taken to the Secretary. The Secretary's office was on the ground floor and in the opposite wing to the study and library where Mr. Jinnah worked. On the afternoon of the 26th July at a very odd hour of 1.45 p. m. the accused came to the house of Mr. Jinnah and approached the watchman who took him to the Secretary. Mr. Somjee emphasised the time and pointed out that it was deliberately chosen as the servants would all be away taking their meals or in the kitchen preparing to serve lunch to Mr. Jinnah. The Secretary told the accused that Mr. Jinnah was very busy that day and that he should write down what he had to say on a piece of paper and if Mr. Jinnah thought fit, he would give an appointment some other day. In the meanwhile Mr. Jinnah himself walked into the office in search of a file. Mr. Somjee told the Gentlemen of the Jury that he will not repeat what Mr. Jinnah had deposed. They have had the opportunity of hearing Mr. Jinnah and seeing him and he submitted that he should be implicitly believed. Moreover, Mr. Jinnah's version of the incident is supported by the Secretary, the watchman and in a lesser degree by the chauffeur. Surely these four witnesses' sworn testimony must be believed as against the unsworn statement of the accused? Mr. Somjee then dealt with the motive that actuated the accused. On the 13th July accused came down to Bombay and put up at the Musafarkhana. The Gentlemen of the Jury were asked to bear in mind that there the accused had deliberately given a false name of Mahomed Sadiq and signed as such and further had given a false reason of his coming to Bombay, namely in search of his brother. Then, again

on the 24th July the accused had gone to the shop of Ismail Dadamiya the knife grinder and had asked him to sharpen well his clasp knife, though as Dadamiya deposes the knife was fairly sharp. The reason was obvious. He had made preparation for his nefarious design to kill Mr. Jinnah and his leaving work and turning up at the residence of Mr. Jinnah and attacking him was a premeditated and well thought out plan to do away wth Mr. Jinnah. The doctor's evidence was very clear and he has said that had the knife struck Mr. Jinnah half an inch lower, the consequences would have been very serious. The accused has made a long statement and denied ever having a knife with him and has recounted an absurd yarn of being attacked and man-handled by Mr. Jinnah and his servants. Taking the evidence as a whole, Mr. Somjee submitted, that the prosecution had discharged its obligations of proving the accused guilty of attempting to murder Mr. Jinnah. Of course, if they had any doubt about the guilt of the accused, they were entitled to give him the benefit of that doubt. But such a doubt must be of a reasonable man. In this case there was overwhelming evidence to prove the guilt of the accused and that the Gentlemen of the Jury would have no hesitation in finding the accused guilty.

His Lordship : If the accused wants to address the jury he may do so now.

Accused : I want to address the Jury.

His Lordship : If you are so minded.

Accused : Before I address the Jury I want to bring to your Lordship's notice one incident with your Lordship's permission. One Mahommedan gentleman abused me in the Court-house yesterday. The police arrested him. I told the police that I pardoned that man and the police need not keep him in custody, but the police did not pay any heed to my request. He has been put in the lock-up, and I request your Lordship to order his release.

His Lordship: That is the very proper place for him.

Accused: My Lord, the punishment of one night is sufficient.

His Lordship: That is not a matter which you can decide, you know.

Accused: May it please your Lordship and Gentlemen of the Jury, since the year 1935 there used to be correspondence between me and Mr. Jinnah, though we had not seen each other very often. Gentlemen of the jury, you will not lose sight of the fact that I am a poor man and Mr. Jinnah is a Leader of the Muslim community. He being a Barrister can make his case very strong and place it before your Lordship and you, Gentlemen of the Jury. If I wanted to murder Mr. Jinnah, I had many occasions. I could have killed him during the Delhi Sessions, the Allahabad Sessions and the Quetta Sessions of the League, or wherever he went. I left my house about 18 months ago and I toured many parts of India. Mr. Jinnah is not a small personality or a small man that one would not know where he was. Before his departure for any place the papers whose policy is the same as that of his go on making propaganda in his favour. If I wanted to kill him I would have gone to a particular place which Mr. Jinnah was to visit and I could have murdered him there. To go to one's house or bungalow and kill him there is a more serious offence than to kill him in a procession or in a crowd. My Lord, I say on the day he returned from Quetta on the 23rd July, if I had the sordid motive of killing him I could have killed him at the station.

His Lordship: Had you the knife with you then?

Accused: I had no knife. How could I sharpen it? I remained in the C. I. D. lock-up for one month and eleven days. During that period of one month and eleven days I came to know of seven cases of persons arrested for purchasing pistols and revolvers without licence. In most of the cases the soldiers being hard up for money had sold their revolvers and the buyers were arrested for buying the revolvers without licence. Before that I sometimes read reports of cases in newspapers about the purchase of revolvers without licence. If I wanted I could have got possession of a pistol between 1939 and 1943. Most Indian leaders are like hunters as I have submitted to your Lordship yesterday, and the public is something like a bird and very enthusiastic. Just as a hunter spreads his net and throws grain similarly Indian leaders do that. The birds do not see the net; they see the grain. If the poor were to see the net then the hunter would not be successful. The bird would not get caught in the net. So the hunters lay the net in such a way that the bird may see the grain and not the net. I think Mr. Jinnah in order to increase his prestige and fame has resorted to this—that an attempt on his life was made. To enhance his prestige before the public he did it. At present the foundation of every nation is on propaganda in the world, and the leadership of leaders depends on propaganda. In my opinion if Mr. Jinnah after my arrest had got me released his prestige would have been enhanced more than by getting me prosecuted. This is my

personal opinion. If he would have done that I would have requested not to release me or set me at liberty before taking down my statement. On account of the charges brought against me my community already hates me. After my release my community would have further hatred towards me. I do not know what would have been the consequence. By the Grace of God I see that I am becoming successful, because what I wanted to tell him at his bungalow I got permission to say the same thing here in Court to-day, and I hope that all that I say would reach Qaed-e-Azam, and whatever the result may be I am quite satisfied with it.

I have a complaint against the Indian press. The press has written so much against me that every child in India is against me. The press is poisoning the ears of every child. In several parts and cities of India and in several localities of different cities and towns meetings were convened and abuses were uttered against me in those meetings. It was the duty of the press to wait until I was convicted by the Court and the jury.

Now I want to say something with regard to Mr. Jinnah entering the Shahadigunj Mosque with shoes on in the year 1935. At that time also I knew that Mr. Jinnah belonged to the Aga Khan's Sect, who have nothing to do with the Qoran or the mosque. Members of the Aga Khan Sect have nothing to do with the Mosque, Qoran and prayers (namaz). Their ways of worship are different.

His Lordship: It has nothing to do with you if others are unorthodox—even if Mr. Jinnah was unorthodox.

Accused: I never hated Mr. Jinnah.

His Lordship: What have we got to do with Mr. Jinnah's practice of religion.

| | |
|---|---|
| Accused : | My Lord, when Mr. Jinnah went into the mosque with shoes on I thought he had entered the mosque for the first time, and so I thought he entered the mosque unknowingly. |
| His Lordship : | It would not make any difference even if Mr. Jinnah took whisky between his meals. I do not suppose he does. |
| Accused : | Therefore in the year 1935 I had given him a letter in which I had requested him to acquire more knowledge out of the Holy Qoran. |
| His Lordship : | When you were 17 ? |
| Accused : | Yes. My Lord, I am taking part in politics since 1930, when I was a mere child. I had gone to jail with my elder brother in Kashmir in connection with a religious movement. Between 1930 and 1939 I was arrested seven times and convicted several times and on one or two occasions I was acquitted. The reason why I say that, is that I took deep interest with regard to religious questions and leaders. Now I want to say something about this case. |
| His Lordship : | I wish you would. |
| Accused : | I hail from Punjab. I do not know English, and I have taken short notes of depositions of the witnesses as best I can, and I do not know Urdu also perfectly well. I will state what I have understood. If I commit any mistake I apologise to the Court and Gentlemen of the Jury and ask them to forgive me. |
| His Lordship : | If you want to know what the witnesses have said ask me. |
| Accused : | So far as I have heard there is certain discrepancy between the evidence of |

Mr. Jinnah and Sub-Inspector Shaik. The chauffeur says that he handed over the knife to Mr. Jinnah. There is discrepancy with regard to the spot where the knife was handed over.

His Lordship : Quite right, there is.

Accused : After this I leave my case into your Lordship's hands and in the hands of the Gentlemen of the Jury, and I would accept your verdict. That is all. What I wanted to tell Mr. Jinnah at the bungalow I have told here and I am quite satisfied with that.

*SUMMING UP BY HIS LORDSHIP*

Well, Gentlemen of the Jury,

At long last you and I have now got to decide this extremely simple case. I say "you and I", because while you have to decide the facts, I have to tell you what the law is, and you must please accept what I tell you the law is without question. If you should convict the man, the responsibility for passing sentence on him—which is going to be a very difficult problem in this case,—is also my own responsibility and not yours. You need not worry about it. I have to bear that responsibility on my shoulders.

Well, now, Gentlemen, in what I may perhaps describe as the chaff you have just listened to from the accused, there was at least one grain of sound sense. I was going to tell you anyhow, and I am glad that he has reminded me of it, that you have taken a solemn oath to give a true verdict "according to the evidence." "The evidence" means that which the witnesses have told you in this Court and the inference which you should draw from the various exhibits that have been produced before you. I have no doubt that this case, which has a certain political background, has excited a good deal of comment and description in the newspapers. Personally, I have

seen nothing in the press which did not consist of a fair and accurate report of the proceedings before us. It may be that there have been less desirable publications in some journals. Gentlemen, anything you have seen in the newspapers, anything you may have heard about this case from any source outside the four walls of this room, you must please put completely out of your minds. You are to give a true verdict "according to the evidence" which is what you have heard from the witnesses here and what you observe from the exhibits that have been proved. Evidence, Gentlemen, is not what is written in newspapers, it does not consist of gossip, it does not even include the statements made to you by learned Counsel at the Bar.

You will remember that in opening his case Mr. Somjee for the prosecution told you that he intended to prove that the accused was not only a member of a body called the Khaksar movement but held a certain position in it called "Jan Baz", which I gather to mean a person prepared to sacrifice his life in that cause. People who go in for movements involving the wearing of shirts of a particular colour and other such demonstrations of solidarity seem to like adopting rather sensational titles like the expression "Storm Trooper" which I believe is in use in Germany. But as the evidence has come out learned Counsel's anticipations have not been fulfilled, a thing which quite often happens. Actually, you have no evidence at all that this man is a member of that movement, though you may well think that he is acquainted with its ideas, sympathetic towards them, and possibly ready to go a great deal further than, apparently, the leader of that movement has ever asked his followers to go. However that may be you have no evidence that he is a member of the movement, still less that he holds any particular position in it.

Having given you that warning as to the materials which you may consider, let me now ask you to bear this in mind, that what is called "the burden of proof" in a criminal case rests from first to last on the shoulders of the prosecution. It is not for this man to prove himself innocent, but it is for the prosecution to prove him guilty.

It is not, of course, to be expected that they will prove him guilty with mathematical certainty. You cannot expect them to demonstrate the guilt of an accused person in the same manner that a professor of arithmetic could prove to you that twice two makes four and neither five nor three. What is required of them is that they should prove him guilty beyond reasonable doubt. "Reasonable doubt" is nothing more nor less than the doubt of a reasonable man. A reasonable man has a certain amount of the moral courage which is necessary to make any decision. He is a man prepared to make his mind up and to act accordingly, a man prepared to look facts in the face and not to seek to escape from them by burying his head in the sands like an ostrich and pretending that they were not there. Such a man, I am sure, you and every one of you are. You are to consider, after you have weighed the evidence, whether, if in some important question in your own lives turned on this man's guilt would you act confidently on the assumption that he was guilty, or whether you would want to think it over or, sleep on it, or take somebody's advice. If the former, then the prosecution have discharged the burden which rests upon them. If the latter,—if you feel that you yourselves would be left in any real uncertainty about the matter—then he is entitled to the benefit of the doubt which you feel. In point of actual fact, Gentlemen, in the present case there is no dispute at all that he committed the offence of voluntarily causing hurt. The only real question for you is whether he committed the more serious offence with which he is charged, of attempted murder and hurt.

Gentlemen, I have to tell you what the ingredients in that offence are. That is an extremely simple task in this case. If you stab a man intending to kill him and do kill him you commit a crime called murder. If you stab a man intending to kill him, but do not kill him, you commit the crime of attempted murder and hurt, which is the crime with which this man is charged. It is, in fact, murder, except for the accident that, in this case, the victim did not die. You can commit murder in other

ways, but that is only the thing that need concern you, because the case which the prosecution lays before you is simply this, neither more nor less, viz., that this man went to Mr. Jinnah's house intending to kill Mr. Jinnah. He did his best to kill Mr. Jinnah but he failed (fortunately) and in trying to kill Mr. Jinnah he hurt Mr. Jinnah. That is the case which they put before you. If that is proved to your satisfaction there is no doubt whatever that the offence charged is the offence which the man committed.

It consists like most other crimes, Gentlemen, of a physical act and a state of mind. Of the physical act you have of course the direct evidence of Mr. Jinnah and Mr. Syed Ahmed, his Secretary. You have very nearly direct evidence of the two servants who rapidly came on the scene and overpowered and disarmed Mr. Jinnah's assailant. You cannot, of course, have direct evidence of the state of a man's mind. No one knows what is going on in that mind except the man himself, but perhaps the most convincing evidence possible of what the state of a man's mind is consists in what that man himself says about it, and you will remember that you have evidence that words fell from his own lips which suggest beyond any manner of doubt that his purpose in going to the house of Mr. Jinnah was nothing else than to kill Mr. Jinnah. Apart from that, you have a good deal of less direct evidence, viz., what we know from the prosecution witnesses—if you accept it of course it is entirely for you whether you do, or not—about this man's movements during the few weeks before this alleged occurrence on the 26th July last. You must not be afraid of acting on circumstantial evidence. Bear in mind that it may mislead you, but it cannot lie. A witness who says that he saw something happen may not be telling you the truth. A fact from which you are asked to draw an inference may be misleading, but it cannot be a wilful lie. You and I, after all, constantly do act in our own lives daily on purely circumstantial evidence, and it very seldom leads us wrong.

Let us take this story, if we may, in the order in which the events are supposed to have occurred, which is a little different from the order in which the witnesses were called, I am not going to take you through the past history which the accused has sought to introduce into this case, and I may say, it matters extremely little whether the accused had taken part in politics at a very young age, or whether at the age of seventeen he had the impertinence to address a letter to Mr. Jinnah to alter his opinions. Let us go to a little bit of more recent history. Apparently on or about the 22nd June last somebody purporting to be the leader of the Khaksar movement issued a circular, which is Ex. C, — I am not going to bother you by reading the whole of it,—in which in rather verbose terms he exhorted his followers to pester Mr. Jinnah with letters urging him to go and see Mr. Gandhi. Whether the policy of the author of that circular was right or wrong, or whether Mr. Jinnah's view as to the proper procedure in the circumstances were correct or not, matters no more to this case than to the man in the moon. What is noticeable is that the circular was a perfectly legitimate document, as far as I can see, because it did not ask anybody to do anything which they were not legitimately entitled to do. But such documents some times have the effect of encouraging people to do more than what the writers say or intend. The result or the apparent result—I say apparent because it does not follow because one event happens after another that it is the result of that other event—was apparently that an enormous number of letters and postcards and telegrams started descending like a plague of locusts on the unfortunate Mr. Jinnah, and you saw a vast bundle of them produced in Court. You have not, I am glad to say, had the whole of those documents inflicted on you, but something like 26 of them have been read to you, apart altogether from circulars that in fact were not sent. You notice that a certain number of those read to you are of a threatening character, some a direct threat and others, a threat, more or less thinly, veiled. I do not think these letters are in the slightest degree material for your con-

sideration unless and until you are satisfied that the accused was influenced by or sympathetic with the ideas of the Khaksar organization, and of that you have got a certain amount of evidence which we will come to later. But if you are not satisfied on that point you may leave these documents completely out of your mind. But it does not follow or mean that the prosecution has not proved its case. Far from it.

Somewhere about the 6th July, during the period when all good Khaksars are urged to send their letters to Mr. Jinnah, the prisoner comes to Bombay apparently, according to his own statement, from Poona, and he takes up his abode at an establishment run by the witness Mahomed Alibhai. For some reason or other he gives a false name to that gentleman, he makes a false statement as to the purpose of his visit to Bombay, viz., "looking for his brother", and though he attempted to explain the fact that a false name is written in that gentleman's register, by that gentleman at his request, by saying that the man Mahomed Alibhai may have misunderstood him, that explanation overlooks the trifling fact that admittedly the accused signed that register with his own hand in a false name. You should not attach too much importance to that in itself. As far as I know you are quite entitled to travel incognito if you wish and to give a false name when you stay at hotels and similar establishments, but you may well ask yourselves why it was that, even at that early stage, the prisoner should be concealing his identity and you may bear that point in mind in conjunction with the other circumstances in the case, if you accept it: it may be that you may not accept Mahomed Alibhai's evidence. But there is no dispute about what happened.

At that time, apparently, Mr. Jinnah was away from Bombay. I do not know exactly when he left, but he did not come back till the 23rd July. Just as it takes two people to make a quarrel, so it takes two people at least to commit a murder, viz., the murderer and the victim, and, so the prosecution say, nothing was done by the accused

because the victim was not there. Mr. Jinnah was not attacked during that period. The prisoner stays at the rest house until the 13th, and on that day he leaves it and for two or three days darkness descends on his movements. We do not know what happens to him, but a very curious thing happens. On the very day he leaves the rest house a man about whom we know almost nothing, but whose name is given as Mr. Kudratullah, of Kurla, a place near Bombay, applies for membership of the Muslim League for which privilege he pays a princely sum of two annas. There would be nothing remarkable about it, but for the fact that the gentleman's application form and receipt for the subscription is later found in a purse in the prisoner's pocket, and you may think that it is a possible inference that either it was a name assumed by the prisoner for the purpose of getting that card of admission to the Moslem League, or that the genuine person of that name was doing it benami for the prisoner in order to furnish him with some evidence that his identity was different from what it was, and that he was a member of the Moslem League. You may possibly think that it was desirable for him to have evidence that he was a member of the League in case he should be asked to produce his credentials when he came to see Mr. Jinnah, and, if the latter, you may well ask yourselves why a member of the League who has paid his two annas and is entitled to all its privileges should think it necessary to see Mr. Jinnah, leader of the Moslem League, in a false name? Well, so much for the coming into existence of the card which was found in the prisoner's possession. It is true that we have no direct evidence about it, but the card is dated the 13th July, 1943, and it is more reasonable, perhaps, to presume that it was correctly rather than incorrectly dated.

Somewhere about the 16th July—may be a day earlier or later—it does not matter—the prisoner meets Mr. Jillani, who is the leader or head of the students' group of Khaksars in Bombay. He asks Mr. Jillani to try to get him a job. Mr. Jillani tries at first unsuccessfully, but after

two or three days he succeeds with the result that sometime, at any rate just about the time of the success, the prisoner goes to live at the office of Mr. Jillani, which is the office of the students' group of Khaksars and where a certain number of Khaksar members of that movement, are apparently in the habit of sleeping. Mr. Jillani is a prosecution witness. The Crown put him forward as a witness of truth, and he tells you in cross-examination that he had no reason to suppose that the accaused was a Khaksar, and, apparently other poor or deserving people who are not Khaksars are accommodated in the office. No attempt is made by the Crown to treat Mr. Jillani as a hostile witness, and, as far as the Crown goes, you must take that he is a respectable and truthful person. It would seem, therefore, that the accused was not actually a member of the Khaksar movement, but we know Gentlemen that on those premises there were something like 40 cyclographed circulars ready in a drawer to be filled up and sent to Mr. Jinnah by any one who liked, which shows the degree of trouble to which Mr. Jillani was prepared to go in carrying out the perfectly lawful orders of his leader. It is almost inconceivable that a man should stay on those premises for something like eight days without knowing something about what the principles and tenets of his hosts were, and he would not be very likely to continue to stay there if he did not feel some measure of sympathy with them. Perhaps a fanatically minded person might go even further than his hosts were prepared to go.

Anyhow, there he stays, and there he is still staying when on the 23rd July Mr. Jinnah comes back to Bombay from a visit to Quetta. Now here the prosecution evidence on the prisoner's movements is silent But he himself, by the line of cross-examination he has adopted, goes some way to supply the deficiency. He suggested, you remember, to the Chowkidar of Mr. Jinnah that, the prisoner was present on the platform when Mr. Jinnah returned, and in his final speech to you he made a great point of the fact that if he had determined to murder

Mr. Jinnah he could have murdered him equally well at the railway station. Gentlemen, I do not know about that. There are generally a lot of people at the railway stations, especially at the Victoria Terminus when trains come in and in particular a number of Mr. Jinnah's friends might be there to meet him on his return. There is always the rush and confusion when a train arrives both in this country and elsewhere, and if you commit a murder you might be immediately apprehended owing to the large number of persons, mostly law abiding persons, who are likely to be there, or of course, you might hope to get away through the muddle. Speaking for myself, I think, it would be the last place I would choose to murder a man. However, that is a question of opinion. Anyhow he did not try to murder Mr. Jinnah at the station.

Let us assume that his own account of the story is correct. He has a conversation with the chowkidar of Mr. Jinnah. He seemed a very good and capable sort of servant and if he was doing his duty at the station as he did at the bungalow I have no doubt that he was more concerned with the well-being of his master's luggage than he was with a casual conversation with a person who he had never seen before in his life. Let us suppose that he was at the railway station. It follows that he knows that he has got Mr. Jinnah back in Bombay. Why did he go to the station ? Was it to satisfy himself that his intended victim had returned, or for some other reason ? It seems odd to ask a man's servant for an interview with his master. To arrange for a legitimate interview the simplest thing is to go to his house or, with the existing facilities in Bombay to ring him up. He does neither.

What is the first thing that we know he does after seeing Mr. Jinnah arrive at the station ? Apparently, according to the witness Ismail Dadamiya, on the very next day he goes to that man and he gets his knife sharpened. That is the first step. Why ? May be the knife was a little bit rusty. May be it was not as sharp as Ismail Dadamiya, the knife grinder, made it. But it was not suggested that it was a knife of no use for any

ordinary reasonable purpose, and it was a good solid knife. He takes it there and gets it sharpened. I do not mind telling you that when Ismail Dadamiya stepped into the witness box, I was a bit suspicious about his story because those of us who were not born yesterday know that instances are not absolutely unknown in this country in which evidence of that kind is trumped up in stabbing cases. It is often particularly remarkable how an obliging accused very kindly escorts the police to a knife grinder's shop and says "There is the man who sharpened the knife" and very often one finds that the knife grinder is a friend of the police and obliges them in order to bolster up the prosecution case. But you are perfectly entitled to take that into account. I will just refer to the question put to this witness in cross-examination and the answer given—What is the question ? "Do you agree that the knife had some rust on it when I took it to you to sharpen" and the answer was "It was slightly rusty". At once, the clouds of suspicion melt away. That, surely shows that was the prisoner's knife and that he had taken it to Ismail Dadamiya, and that Ismail Dadamiya did sharpen it for him. According to Ismail Dadamiya that was on the 24th July. May be a day earlier, possibly a day later. That is, apparently, what one finds took place next in the order of events. That good serviceable knife having been sharpened on the 24th, nothing happens on the 25th. Why, we do not know. It is noticeable that the day was a Sunday. If you are going to murder a man at all, there, is no reason known of why you should not murder him on a Sunday as well as any other day. It may have been thought that Mr. Jinnah might be entertaining friends on that day, or not receiving business engagement. Here we are getting into the region of speculation. We do not know what happened on that day.

Now we come to the 26th July—Sometime either in the morning or early afternoon but round about the usual hour for tiffin or lunch—whatever you like to call it—the accused appears on the road outside Mr. Jinnah's compound in which the Chowkidar, Shah Mahomed Bostan-

khan, is the first person to see him. He is under the impression that there was somebody else with him on the road. Whether there was another man or not we do not know. We never shall know, and it does not matter. At all events he and he alone, according to Shah Mahomed Bostankhan, enters the compound, and it is now Gentlemen, quite undisputed that the prisoner did come there. He enters the compound, there is nobody at the gate to stop him, he comes to the portico and he has a conversation with the chowkidar. His version of that conversation and the chowkidar's are not absolutely the same, but the point is quite irrelevant. The upshot of the conversation is that the chowkidar takes him into the Secretary's room, where according to the chowkidar the latter leaves him sitting opposite the Secretary, the Secretary being at chair B on your plan and the accused on the other side of the table. This is just the opposite to the version of Mr. Jinnah himself and the Secretary, and it differs from the story of the accused, who says that he sat down at the point marked D. Do you think this is anything but an honest error of recollection on the part of somebody, probably the chowkidar. If such there is absolutely no point in it. It is wholly immaterial in which particular chair anybody sat at any particular moment, and I think somebody probably the chowkidar has made a mistake, which chowkidars like all human beings are liable to do. Gentlemen, the chowkidar, though he seemed to me a most intelligent man of his type is not a very well educated person, and if you show a plan to an uneducated man he nearly always gets into a muddle and probably he got into one.

Here the Secretary Mr. Syed Ahmed takes up the story. He agrees that he asked the accused to state his business in writing and that this was done. The result was that piece of paper Ex. D in which he said that he had come to Bombay with a hundred difficulties. Strong comment was made by the prosecution on the weight to be attached to this letter. I do not know what weight you attach to it. I dare say that an almost illiterate man

would make a bad show in doing a thing like that, and perhaps you may not think that very much turns on that particular matter of that paper. The fact is that if he had some legitimate business to see Mr. Jinnah about it is remarkable that he was not able to make a somewhat more coherent statement about it. Be that as it may, when he had hardly finished writing Ex. D Mr. Jinnah entered—by means of the door by which the accused had entered, that is the first door as you come from the verandah. If you accept Mr. Jinnah's story he proves, the physical act which the prosecution rely on, if I may use the expression in connection with stabbing, "up to the hilt", and he gives you the strongest possible evidence of what was going on in the prisoner's mind. Here is his evidence on the material point :-

> "At 1/30 P. M. I was working in my office. I was very busy on important work. I wanted to refer to a file. I went myself to my Secretary's room. He had previously been with me. I asked for the thing I wanted and he gave me the information I wanted in about two seconds. Then I saw the accused seated there and writing. When I entered my Secretary got up, so he also got up with the thing he had written in his hand".

The story cannot be quite accurate, because he could not have seen him sitting and standing at the same time. Even in the case of literate man like Mr. Jinnah, a slight mistake is possible. To go on with his story :-

> "I said what does this gentlemen want? He wanted to have an interview and that he had told him I was very busy and asked him to state his business in writing when he would take it to my room and see whether I would give him an interview. He (the Secretary) said that the accused had insisted that it was urgent business and he must see me immediately".

He then identified Ex. D the writing and said that the Secretary was at point C, accused at point B, exactly

the opposite way from the chowkidar's account, and Mr. Jinnah at point D. In cross-examination Mr. Jinnah says why he says so and gives the explanation that as there is a curve in front of the table on one side, as the Secretary has to type most of the time, it is more convenient to sit at the straight edge of the table and he gets more light there. Then he goes on—

"I turned to the accused who was standing there. I told him 'I am very sorry I cannot see you immediately. I am very busy now.' He had this paper in hand. I said 'write down whatever you have to say and I assure you I will look into it and if necessary I would fix up an appointment with you tomorrow or the day after if you will write down your address also.' I was just about to go out by the door near D. Before I could realise, he sprang at me and I got a blow with the clenched fist on the left part of the jaw with his right fist. I reeled back, and as I did so he whipped out a knife. I would recognise that knife if I saw it. It is Ex. L. It must have been somewhere about his waist. It was open when I first saw it".

Here it is, Gentlemen. You can examine it if you like, and you will notice that it takes two hands to open or shut this knife. As a matter of fact it is extremely difficult to shut, but if it is shut you cannot open it with one hand. In the ordinary course of things two hands are required to open it. Mr. Jinnah could hardly have failed to see him open the knife, as he must have done it with two hands. Gentlemen, why should a man come to visit a person in his house carrying with him a murderous weapon with him ready open, unless he had a murderous purpose?

Well, says Mr. Jinnah—

"I managed to catch hold of his wrist (right). I caught his wrist with my left hand."

It is just the opposite way to what the Secretary thinks, viz., that it was with his right hand that he held the accused's hand. This is a discrepancy such as you would

expect in the evidence of two persons honestly, and independently, wishing to tell you what - happened in a few confusing seconds. It is not as if they had put their heads together and concocted a story, and as Mr. Jinnah was the actual victim of the assault his recollection is perhaps more likely to be correct. If a man is standing facing you and striking at you with his right hand the natural hand to catch it with is the left hand, being opposite to the hand that is coming at you. He then says—

"I thus broke the force of the blow, but in spite of this the knife just touched the left side of my jaw, and cut me. As I tried to push his hand back, exerting all my strenght, the knife cut my coat on the left shoulder." You have seen that coat and there are those cuts in a straight line obviously caused by a sharp intrument, and which obviously might have been caused in the very way Mr. Jinnah describes and he says—

"I got a cut on the lower edge of my left hand between the small finger and the wrist."
and he showed you how that came about. He says—

"As I was struggling for possession of the knife the knife came into contact with that part of the hand holding the assailant's wrist. I got his other hand with my right hand. While we were struggling my Secretary and my other servants got hold of him from behind and pulled him away from me. When I thought I was safe I let go." Well, then, there is a sort of lull in the proceedings.

Mr. Jinnah goes out of the room, and eventually the doctor comes. Mr. Jinnah is under the impression that the doctor had already attended to his injuries before he returned. The doctor and Mr. Shaik both agree that he was actually receiving attention when Mr. Shaik arrived, which seems to point to a slight mistake in Mr. Jinnah's evidence. It does not matter, because everybody agrees that what subsequently happened as regards the accused happened before the police arrived. That is very important.

Mr. Jinnah says—

"When I came down again I got as far as the door at the rear of the sitting room. I heard accused shouting loudly, so I stopped. I heard him say this, amongst many other things—"I am not a *hired* assassin". Apparently he prided himself on his amateur status. "I have done this because Mr. Jinnah has refused to carry out the orders of my/our leader." I think perhaps I was wrong in thinking that there was no evidence he was a Khaksar. You may think that he had become one by that date. "Mr. Jinnah" he continued, "is an obstruction in the way of the freedom of India and is a tool in the hands of British Imperialism." Mr. Jinnah says.

"He was very indignant". He said, "I am sorry I have failed in my mission."

Then, said Mr. Jinnah the police came and the accused gave a lecture to the police—which was very nice of him. "All I have said was before the police came."

Let us, Gentlemen, reflect for one moment. "I am sorry, I have failed in my mission" : these were his words. If his mission were merely to wound Mr. Jinnah he had succeeded, and there was no cause for regret. If, on the other hand, his object was to remove somebody who in his opinion was an obstruction in the way of India's freedom he had failed and there was the cause for regret; and you must ask for yourselves whether any possible sense can be made out of those observations unless the object of the man was, as the prosecution alleges, to kill Mr. Jinnah. Mr. Jinnah was cross-examined at considerable length but with very little effect. He tells very much the same story again. He says.—

"When I entered the Secretary's room you were sitting finishing writing. You stood up when I entered. So did my Secretary. You did not salute when I entered—at least I do not remember your doing so and do not think you did. I did not observe whether you were excited or not. You were in chair B. Secretary was in chair C. I

am sure they were this way round. The chowkidar must have made a mistake about it."

Then he explains why the secretary sits on the straight edge of the table and he says.—

"He said you wanted to see me immediately. He did not hand over the letter to me at the time. I am not sure if it was after or before the arrival of the police but some time after the accused was overpowered my Secretary read it to me. When you were overpowered I was present. I only left when you were overpowered. The chauffeur was one of those who overpowered you. While he was overpowering you the knife was in your hand. The chauffeur handed me the knife."

The witness then describes the struggle and says—

"You were pinioned by the Pathan assisted by the Secretary. The chauffeur came up. You were pulled away from me. The chauffeur at once snatched the knife out of your hand. It seemed to me to be done in the twinkling of an eye."

Here, again, Gentlemen, I asked the chauffeur to experiment his action with my own hand and he did get the knife off from my hand but not so easily. What seems to be a rather surprising feat, as far as we can tell, can be performed by the chauffeur. To snatch it quickly would need a man with strong fingers to do it. The chauffeur had strong fingers, and, as I can testify, very sharp nails, and this may account for the nail mark on the hand of the accused, which was the only mark on the person of the accused according to the doctor. He then says—

"I then went back through Secretary's rooms and went round to the staircase by the left door of the rear verandah which leads to my library. The chauffeur came from the verandah into the hall. He met me in the library. He handed the knife over there."

The chauffeur says that he gave the knife on the stairs. What does it matter? It again shows that these

people have not put their heads together and concocted a story. He says further.—

"I am definite the knife was handed to me within a minute, but precisely where I am not sure."

He says the injury was caused to him by the knife and by nothing else.

He was quite sure that he did not bump his head against the accused, and he cannot say, as no honest witness could say, whether he was stabbed from the front or the side; he cannot say the precise angle of his jaw in the knife's path. He says the accused pulled the knife from his left hand side with his right hand, as one draws a sword from its sheath, and he is positive that the knife was open when pulled out. It was suggested that he may have coached the witnesses, and he said, "I never spoke to a single servant of mine as to his evidence." Finally he said that the injury to his face was not a scratch but a cut, and finally (to me) he emphatically denied that he first saw the knife when the chauffeur brought it to him, and said that the chauffeur did not suggest that they should foist the story of the knife on the accused. He said that he was not excited when he saw the accused, and that he did not lay hands on him and try to chuck him out. On the contrary, he said that after the accused was overpowered and he was separated from him he gave strict instructions that the accused was not to be hurt in any way, but merely detained.

If you have one witness whom you can believe it does not matter how many other witnesses there are. If you believe that one you have got the truth, and truth does not become more true if 20, 40 or 100 people tell it. In this case the principal witness is Mr. Jinnah. You and you alone are judges to decide whether it is right and safe to believe his story. But I must say that in all my experience I have never seen a more obviously a witness of truth than Mr. Jinnah. Of course, he may have made mistakes. Apparently he has made one or two mistakes about the order of events after the assault. But what on earth does it matter?

If you accept the story of the accused, it is all an advertising "stunt" which Mr. Jinnah has done to enhance his reputation. Has he cut himself in the neighbourhood of his face to enhance his reputation?

The Secretary's story is not quite the same as Mr. Jinnah's. He thinks that the abuse of Mr. Jinnah began before the first blow was struck. I really do not know that it matters in the least which of them is right. You must remember in judging the evidence of Mr. Jinnah as he has said and it is obvious to you that all these matters took place in far fewer seconds than the number of hours that this case has taken to get tried. Naturally everybody would be a little bit confused as to the precise order of events. What would you expect? In substance, of course, the Secretary agrees with Mr. Jinnah; the knife was whipped out ready drawn and the blow was providentially warded off by Mr. Jinnah, the man was collared and the man makes a statement. He differs from the recollection of the chowkidar in thinking that the malis and one or two other servants stood about before that statement was made. It does not seem to me to matter in the least whether the Malis were present or not at the time he made the statement. He agrees with Mr. Jinnah that the man said, "I am sorry I have failed in my mission" and he adds that he ran out to phone to the police. So it is his testimony also, if it is to be accepted, that that statement was made before the police were on the scene.

I do not desire to go through the story of the part that the chowkidar played in the struggle. He, you will remember, does not recollect or tell of any statement made by the accused after he was over-powered. It does not follow that no such statement was made. One man remembers one thing, another another, but it does not follow because a man has forgotten something which somebody else remembers that that thing which he has forgotten never took place.

The chauffeur who actually disarmed the man and assisted the chowkidar in the final recapture of the accused in the garden gives a slightly different version of the

statement which the accused made after he was finally recaptured. According to him the accused paid a well-deserved tribute to the fidelity of Mr. Jinnah's staff and then said that he had failed in his endeavour or mission, or something, and that the knife had let him down. Well, the knife had cut Mr. Jinnah all right. I do not know what meaning you attach to that expression unless he wanted to kill Mr. Jinnah.

Well, the chowkidar was cross-examined for one and a half mortal hours, and, you will remember that (significantly) he was cross-examined as to the type of head-dress or hat he usually wears, and other such matters. What it matters I do not know.

The chauffeur was also cross-examined at great length. I need not worry you by taking you through all that evidence. Counsel did elicit the fact that he does not, as a rule, summon his master by blowing his horn. I do not know why he should. Mr. Jinnah is a human being, and not a milch cow to be summoned to be milked by horn-blowing.

I do not want to trouble you with the evidence of the plan-maker, although in cross-examination the interesting fact was elicited that the compound wall was 6 feet high. Nor, at the moment, need I trouble you with the police evidence, except for this :-

You will remember that Mr. Shaik examined the person of the accused as soon as he took charge of him and he found on his person no object which could conceivably have caused those injuries to Mr. Jinnah. If of course the accused or anybody had been going about with an enormous drawing pin pointing outwards in one of his pockets, and somebody bumped into him, that sort of injury might have been caused. When Mr. Shaik examined the man he had no drawing pins on him. large or small, nor had he a hedge hog in his pocket. The only thing found was a purse with the League membership card in it. That could not have stabbed Mr. Jinnah, and by the time the police arrived the knife had been taken away. That is

the prosecution case. If you feel on that evidence that there is any conceivable doubt, any reasonable doubt, that causes a reasonable man to hesitate whether this man was present or whether he attacked Mr. Jinnah, or what his intention was, Gentlemen, you must give him the benefit of that doubt, but if not, then it becomes your duty to examine the material parts of his story and to see whether his story shakes in your mind the conviction of guilt which the prosecution has established.

His story has varied a good deal from time to time. But of course the prosecution have got to succeed on the strength of their evidence and not on the weakness of his—and he would have been quite within his rights if he said, nothing at all and said "Right, you have charged me with a criminal offence. Prove me guilty, if you can". However as he has chosen not to do so; he has opened his mouth, and opened it at no small length, and you cannot help taking into account what he said.

Now, the first suggestion was that the chauffeur had fetched this knife from somewhere and had suggested to Mr. Jinnah that it would be a good thing to say that the accused had got it, and so they put their heads together and concocted this story. In weighing that story you must weigh all that it implies. If that story is true Mr. Jinnah is a party to a wickedly concocted case—if it is true. Do you believe it? You have seen Mr. Jinnah in the box. You have seen his demeanour. What is more, you will remember the question that was put to the knife grinder and what follows from that. It follows, as the day the night, that on the 24th July the knife was the accused's knife. How comes it that on the 26th July that knife belongs to some member of Mr. Jinnah's staff? We do not know. Who could very well explain that remarkable transformation—by way of sale, gift or exchange? The accused can but he does not say a word about it in all the words he has spoken.

Another little difficulty about accepting that story is this—no explanation has been put forward for the undoubted fact, proved by the certificate of the Imperial

Serologist, that there was human blood on that knife. It is quite true that there was no blood count of it so as to show that the blood was that of Mr. Jinnah, but whose blood is it? If the chauffeur concocted this story, how did the blood come there? Did Mr. Jinnah obligingly cut himself, or the chauffeur obligingly cut himself in order to assist in the advertising stunt of his master? He put that story forward in cross-examination and he put it forward again in his statement to you. That statement is not made on oath. An accused person in this country cannot be prosecuted for perjury for anything he says in it, and in this country an accused person is not subject to cross-examination about it. Consequently—and in my opinion it is one of the defects in the criminal procedure here—an accused person can make any attack he likes on the character of prosecution witnesses with impunity—as in this case—and he cannot be cross-examined. If he does so in England he is liable to be cross-examined about his own character. People living in glass houses should not throw stones; however he did. But do bear in mind that his stories about Mr. Jinnah being unorthodox, and many other matters were quite irrelevant to this case and probably they are completely untrue. We have no means of testing them whatsoever. Even if it is true we have nothing to do with it. It really does not matter.

He made a long statement. I do not propose to take you all through the early history how, as a boy of 17, he tried to improve Mr. Jinnah's morals until we come down to the matters which are really in question. The interesting thing about it is this that on his own showing now he has no defence to the charge of causing hurt—none at all; even if you have some doubt as to whether the man's intention was to kill Mr. Jinnah, it would therefore be your plain duty at least to convict him of the offence of causing hurt. I will tell you why. His story is that he went to the bungalow for a legitimate purpose encouraged by the talk he had with the chowkidar at the railway station. Mr. Jinnah got excited when he saw him, attacked him and tried to chuck him out, not before hav-

ing first requested him to go away. Now, Gentlemen, you or I, if a stranger comes to our house are not bound to be polite or hospitable. We are perfectly entitled to ask him, as rudely as we wish to get out, and if he does not get out we are perfectly entitled to throw him out, provided we do not use any more force than is necessary for that purpose. According to the prisoner's own story, Mr. Jinnah got excited on seeing him and told him to go away. He did not go. Mr. Jinnah laid hands on him not with sufficient force to chuck him out, and then he knocks Mr. Jinnah down with a blow on his face—a backhand blow by his left fist—not, of course, the paralysed right fist. You cannot knock a man down without hurting him. In the course of the struggle he says, he was punched by Mr. Jinnah on the top of his head. If any man so knocked that portion of another he could not possibly do any harm to the top of the head but would hurt his own hand, as much at least as the man he struck. Can you imagine, Mr. Jinnah doing this ? Such a thing for my part I cannot imagine and you may really think that this story of Mr. Jinnah having tried to throw him out is absolutely moonshine. It does not account in any way for the presence of the knife. It does not account for the wounds on Mr. Jinnah. It does not account for the blood on the knife. All I am pointing out to you is that if you voluntarily cause pain to somebody else without lawful excuse you are committing the offence of hurt. He had no right to resist Mr. Jinnah or to use the alleged violence to him. His plain duty was to get out, and not to attack anyone.

There is another point he seeks to make, or sought to make, that is that the prosecution case cannot be true because his own right hand was partially paralysed some time ago owing to an electric shock. Whether you can become paralysed by electric shock I do not know. He asked that he should be medically examined. He made a dramatic announcement through his Counsel to the effect that he was paralysed and when that appeared incredulous, he asked to be medically examined, and he particularly asked to be examined by the Police surgeon. He was

examined by the police surgeon. At his request I called the police surgeon as a court witness, and it is this gentleman, his own chosen medical referee, who says, I have examined him. There is nothing the matter with him whatsoever, I dare say you, as I did, watched his hand carefully after he made this statement and did you see anything abnormal, except that he was a little bit careful to keep it out of the direct line of your vision or mine, when he remembered to do so? Well, that was another defence put forward, and that is what happened about it. He chose his doctor. He got the doctor he chose, and the doctor says there is nothing the matter with him. Well, Gentlemen, there the matter lies.

I will ask you, once more, to remember that the political background in this case has nothing whatever to do with the decision which you will have to come to, nor should you be prejudiced against this man about what you may think of his irrelevant attacks on Mr. Jinnah. Remember that it is for the Crown to prove him guilty and of this particular offence, and it is not for him to prove himself innocent, and remember also that he is not to be convicted of this offence or any other because you may not like the way he has conducted himself in these proceedings. Bearing these things in mind, will you please consider the evidence as a whole, and if you come to the conclusion that there is no reasonable doubt as to the purpose of his visit to Mr. Jinnah's house, you will then consider whether there can be any doubt, in view of his own admissions as to whether he caused hurt to Mr. Jinnah and did so voluntarily and unlawfully ? If for any reason you feel any doubt about that you will acquit him altogether. If you think he caused hurt to Mr. Jinnah but have some reasonable doubt as to its object you would convict him of hurt. But if you think that on the evidence as a whole, as reasonable men, there can be no doubt at all worthy of the name that his object in going there was to kill Mr. Jinnah, neither more nor less, then it would be your plain duty, which you will do without fear or favour, if you come to that conclusion, to convict him of the

offence with which he is charged. Now, will you please consider your verdict? "

*The Jury retires and returns.*

Clerk of the Crown: Mr. Foreman, are you agreed upon your verdict?

Mr. Foreman: Yes, we are, and we are, unanimous. We find the accused guilty of attempt to commit murder.

His Lordship: Rafiq Sabir, yours is not an ordinary case. I am prepared to assume in your favour that you acted from motives which command a certain amount of respect. I do not think you were actuated by any personal animosity against Mr. Jinnah, and however misguided you may have been I believe that you wanted to see your country happy and prosperous and thought that Mr. Jinnah was an obstacle in the way to that. Having said that I have said all that can be said in your favour. No country can be happy and prosperous which condones murder for political purposes or for any other purpose. The only result of condoning political murder is to substitute the rule of hooligans for the rule of reason as has happened in Germany and has led to this War. You and misguided people like you have to be taught that fact by punishment and the example of punishment. The least sentence which I feel I can properly impose upon you is five years rigorous imprisonment.

# APPENDIX I

*List of Exhibits*

Ex. A :— Coat of Mr. Jinnah.

Ex. B :— Waist-coat, trousers, shirt, collar, neck-tie and singlet of Mr. Jinnah.

Ex. C :— Manifesto with its English Translation.

Ex. D :— Writing with its translation.

Ex. E :— Leather straps.

Ex. F :— Register of H. Ismail H. Habib Musafarkhana.

Ex. F–1 : True copy of Ex. F.

Ex. X :— Panchnama of Ex. A, B and the knife.

Ex. G :— Leather purse.

Ex. H :— League Pass in the name of Kudratullah of Kurla.

Ex. I :— Panchnama of the production of Ex. E.

Ex. J :— Panchnama of the production of accused's bedding and clothes.

Ex. K :— Receipt passed by the accused for his clothes.

Ex. L :— Clasp knife.

Ex. M :— Imperial Serologist's Report & the report of Government Chemical Analyser.

Ex. N :— Plan.

Ex. O :— Telegrams.

Ex. P :— Letters & Postcards.

Ex. Q :— Cyclostyle letters found in the office of Mr. Jillani.

## EXHIBIT C

(Translation of a poster lithographed in Urdu.)

Qaed-e-Azam Jinnah and Mahatma Gandhi's letter.

Allama Mashriqui's Announcement and orders to the Khaksars.

From the 15th June to the 15th July 1943 A. D. one lac telegrams, ten lac letters, and ten thousand resolutions adressed to Jinnah and the Viceroy.

June 22, 1943.

Lahore:— June 5. In connection with the present statement of Mr. Jinnah which he has now made regarding Ghandhiji's letter, Allama Mashriqui has sent today the following telegram to the President, Muslim League:—

"Mahatma Gandhi's invitation to you for interview is in reality the beginning of the attainment of 'Pakistan' and also the achievement of independence for India. With regard to this matter your attitude is causing great uneasiness. I request you to reconsider the meaning of the Mahatma's invitation."

In this connection the said Allama issued the following statement to the press:—

"It appears that the British Government does not want to have anything to do with Mahatma Gandhi in this bad condition of his. This attitude may possibly be considered just in the case of the powerful; but Government cannot in the least be justified in keeping the promise to make India independent in the background merely on the ground that responsibility for some offences devolves on the Mahatma. Similarly, punishment cannot be meted out to the whole of India for the offences of one single person. The truth is that the Mahatma's offences are connected with the story related to a period much earlier than the 8th of August, and they have no connection with the story of the 23rd of March last year when Cripps had arrived here. The question of India's indepen-

dence is greater then Mr. Gandhi, or the Congress or the Muslim League, or even than that which results from the combination of all these.

"If this be the will of the English, then it is possible that Mahatma may also be hanged like Pir Pagaro. But along with the Mahatma the question of India's independence cannot be disposed off. This question is in any case bound to remain undisposed off. Complete victory of the British, nay complete destruction of Nazism cannot even alter this fact that a solemn promise to grant complete independence immediately after the war is over is given to India. And the Mahatma, be he a great Rishi or a criminal, happens to be the one man who can settle with Qaed-e-Azam Jinnah precisely those terms which the British Government wish should be settled before independence is granted. On this score, the obstacle which Government is causing to this compromise is anything but reasonable. Impressed by the crowd of the public Qaed-e-Azam Jinnah out of excessive zeal threw out from his presidential chair a suggestion that the Mahatma should write to him a letter. But he did not realize that Government obsessed with its present mentality would humiliate him also. He ought to have carefully pondered over the situation even if he was promised help. He has now had a mighty fall after his rise; but he has to bear the burden of the whole affair and the Mahatma has made a fine move. The recent statement of the Qaed-e-Azam that Mr. Gandhi should write a letter to him in such a manner, and simultaneously give him a blank cheque of 'Pakistan' is not only unacceptable, but in fact is also impossible. His statement that Mr. Gandhi should repent for his acts of crime is irrelevant and also unbecoming. The Qaed-e-Azam in his capacity as the leader of the Great Nation, in the words of Amery, of the Muslims should not be beguiled by the brilliance of those ministries which at the present time, are growing like 'mushrooms' in the rainy season, because it is possible that in clear weather they may cease to exist with like quickness. In fact, the danger is that

these ministries may in the interval wholly destroy the ideal of Pakistan, and with it the promise of India's independence may disappear, a thing which America very much dislikes.

"I am sure the Qaed-e-Azam has brought trouble on himself. But if the Muslims of India are really so zealous for Pakistan as to believe that it shall be achieved, then they must know that Pakistan can be achieved now and now alone after arriving at a compromise with the Congress. After the war, however, the British Government will have no time at all to attend to such matters. It is obligatory on the Qaed-e-Azam to devise a way now and now alone to meet the Mahatma and to adhere to his previous statement.

"After this clarification I order the Khaksars of the whole of India to try as best as they can to create the aforesaid atmosphere between the Muslims and the Hindus, so that such an interview may become extremly essential and so that from all quarters thousands of telegrams, lacs of letters couched in strong language and thousands of resolutions may be sent to Mr. Jinnah and His Excellency the Viceroy in a completely organised and prearranged manner. For this action I allow every Khaksar volunteer the period from 15th June to the 15th of July, and I am sure he will fight to his utmost and with complete singleness of purpose will successfully pass through this critical stage of Hindu Muslim unity, nay, India's Independence.

Further orders will be issued subsequently."

(From Newspapers).

Qaed-e-Azam Jinnah's words at the last Sessions of the League.

In the last Session of the Muslim League which was held at Delhi Qaed-e-Azam Jinnah uttered the following words in the course of his presidential address :—

"No person will welcome more than myself, if Mr. Gandhi now really agrees to come to an understanding with the Muslim League on the basis of Pakistan. Permit

me to say that that will be the grandest day for the Hindus and the Muslims. If he has made up his mind, what is it that prevents Mr. Gandhi from writing to me directly? He is writing to the Viceroy. Why does he not write to me directly? What power is there which can prevent him from doing so? To go to the Viceroy, to lead deputations, to carry on correspondence—what purpose will these serve? Who is it that can prevent Mr. Gandhi? I cannot for a moment believe that the Government however powerful it may be in this country and whatever you like you may say against it—I cannot believe—Government will have the temerity to withhold such a letter if one be sent to me. If Government do so, then this will in fact be a very frightful thing."

(From Newspapers, the 'Radiance,' Aligarh, dated the 4th June.)

Instructions from the Centre. The following instructions are given in order to effectively carry out this order of the 'Idara-e-Illiya' throughout the length and breadth of India. These instructions are also sent, over and above provincial 'Hhakeman-e-bala' and high officers, to secret 'Salaran-e-Zabt', and other officials appointed for supervision, so that it may become known as to which High Officer or 'Salar-e-Mohalla' or 'Janbaz' or Khaksar fails to discharge these duties. All the 'Khaksars' should therefore be vigilant and regard their rest as unlawful until a stage of success is reached.

1. This announcement of the leader of the Khaksar movement should be got printed a second time on small sheets of paper of this kind by hundreds, nay by thousands and distributed at suitable places. Further, the Salar-e-Zabt of the 'Ilaqa' concerned should be informed that such and such a thing has taken place, and a specimen copy bearing a stamp of the value of three pice together with a statement as to the number should be sent to the 'Idara-e-Illiya' Ichhra, Lahore. This is the duty of the 'Salar-e-Zabt'. But if the 'Salar-e-ilaqa' is negligent, then some other Khaksar or several

Khaksars together should take this duty upon himself or themselves and report his negligence.

2. Every 'Khaksar' should without fear approach the Hindus, with these leaflets, make them send telegrams daily and pass resolutions, explain the Khaksar Movement to them enroll them in it, make them put on red badges, and appoint them as 'Salar-e-Amil'. In short, every Khaksar should daily see ten Hindus at least.

3. They should fearlessly see the Muslim public, and thousands of letters and telegrams should be got sent to the 'Qaed-e-Azam', and resolutions be got passed at largely attended meetings, and sent to the Viceroy and to Jinnah.

4. This announcement should then be got published very carefully in every local newspaper and the cuttings thereof should be sent to the 'Idara-e-Illiya', so much so that at least a crore of copies in every language are distributed throughout the length and breadth of India.

5. Every high 'Salar' of an Illaqa should immediately allot duties to his 'Salar' and keep no Khaksar inactive.

Order to 'Salar':- This announcement should be got printed in thousands and distributed at every place.

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Printed under the supervision of Gazi Mahomed Ishaq, Printer and publisher, at the Gilani Electric Press. Hospital Road, Lahore and published from Ichhra, Lahore.

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## EXHIBIT D.

(Translation of a letter in Urdu)

Respected Jinnah Saheb,

Peace be with you. I have reached Bombay with a hundred difficulties. Please allow me to have the honour of an interview for some urgent work.

Rafiq Sabir Mazangavi.

# EXHIBIT F.

(Translation of a marked entry of an extract in tabular form written in Gujerati of the Register of the Musafarkhana)

| Place. | Passenger's name. | Male. | Female. | Child. | Total. | Whence come. | Date of coming. | Where going. | Date of going. | How long stayed. | Passengers signature. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Behind the Office. | Mahomed Sadiq Maulana Umruddin. | I | — | — | 1 | From Poona. B. T. | 6–7–'43 6.15 Bombay Time. | Bombay Bhendi Bazaar. | 13–7–'43 6.0 | 8 days. | (Signature in Urdu,) Mahomed Sadiq. | In search of Brother. |

## EXHIBIT O.

Indian Posts and Telegraphs Department.

From YEDSI— 6th July 1943.
To JINNAH, BOMBAY.

"If united front is not put, Khaksars will take the case in their hands".

YACUB.

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Indian Posts and Telegraphs Department.

From BHOPAL— 19th, July. 1943.
To JINNAH, BOMBAY.

"Last opportunity. See Gandhi".

FAZALSHAHI.

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## EXHIBIT P.

Letter and Postcards.

Multan,
June, 1943.

To,

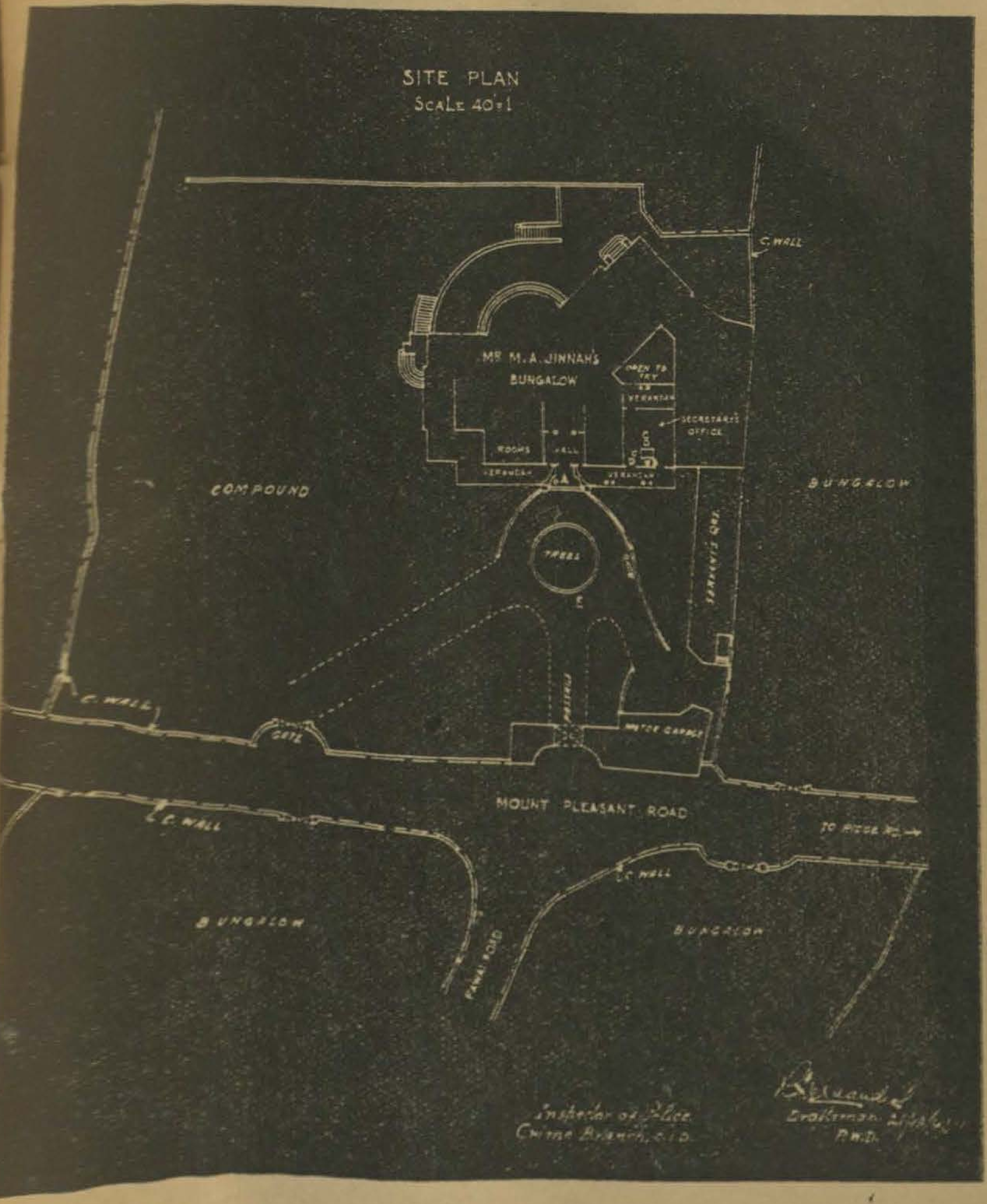
Mr. Jinnah,
New Delhi.

Sir,

See Mr. Gandhi as soon as possible and talk of about your aims, if not be in dream.

Yours sincerely,
AHMED.

## PLAN. EXHIBIT N



(Translation of what is written in Urdu on a postcard.)

Qaed-e-Azam Mr. Jinnah,

We are those very persons who ruled over India for one thousand years, nobody sharing rulership with us, and now we although according to you number 10 crores we are still afraid that the Hindus may dominate us. It is a pity that the lion is considering itself as a lamb and is desiring to get a promise from the goats that when they attain power, they will not harass it.

If your ultimate goal is Pakistan then in order to bring the stage of its attainment nearer for God's sake arrive at a compromise with Gandhiji for which Gandhiji appears to be ready. The Indian public are very much affected by the acts of folly of you leaders. They do not have things to eat sufficiently. They have put on rags. God knows how they might be lying down on the ground in streets and heaving sighs, and remember the sighs of these poor fellows won't go in vain, and on the day of judgment you will be liable for punishment being meted out to them. We request you to see immediately Gandhiji in jail otherwise some of us risking our lives shall make such of you the target of our bullets who aspire to leadership and yet have no regard for the welfare of the public.

Mahomed Ahmed
Salare Aala
(Khaksars)
Hyderabad City Deccan,
Circle D.
27th June, 1943.

(Translation of what is written in Urdu on a postcard.)

Hyderabad Deccan,
27th June 1943.

Qaed-e-Azam Mr. Mahomedali Jinnah,

If you wish the Muslims of India welfare and if you wish that they should get clothes to wear and bread to

eat, then for God's sake try to see forthwith Gandhiji for the reason that the conditions in India are going from bad to worse and Gandhiji is becoming some nervous. Otherwise remember that we will carry on vehement propaganda against you which will result in the harvest of your leadership catching fire.

Shamshuddin Kaiser
Salare Shaher,
Hyderabad City Deccan,
27th June 1943.

## EXHIBIT Q.

M. A. Jinnah, Esq.
Qaed-e-Azam,
Muslim League.

Bombay.

Dear Sir,

I shall be highly obliged if you think over the following few lines and do the needful.

Unfortunate India is staring at you with some hope.

I assure you that the secret of Pakistan lies in the freedom of India and her freedom fully depends on the good results of the meeting between you and Mr. Gandhi. The way to Pakistan, shown to you by Allama Mashriqui is the only way that can take you to the destination of Pakistan.

I will appeal to your goodself to do away with the cries of "Zindabad and Murdabad" and make the best use of the opportune time. The Allama Saheb and millions of Khaksars and most sincere Hindus and Muslims are unanimous by shouting for your union with Mr. Gandhi. Please listen to their shouts and do the needful.

Every moment of the present time is very precious for unfortunate India and it is in your hands to avail of it.

Yours faithfully,

# APPENDIX II

*First public speech of Mr. Jinnah after the attempt on his life. The meeting was on Ramzan Idd Day and under the auspices of the Memon Chamber of Commerce to congratulate Mr. Jinnah on his providential escape.*

"Grave political issues cannot be settled by the cult of the knife, nor by gangsterism," declared Mr. M. A. Jinnah, President of the All-India Muslim League in reply to congratulations extended to him on his fortunate escape in a recent attack, at an Idd celebration gathering in Bombay

Mr. Jinnah said there were parties and parties, but differences between them could not be dissolved by attacks on party leaders. Nor could political views be altered by threats or violence. The issues involved were too grave to warrant a change from the course they had chalked out, and which they meant to pursue.

In expecting every right-minded man to condemn such attacks, he hoped that the Muslim League had now reached such a stage that if one man was taken away he would be instantly replaced by hundreds of others. Mr. Jinnah asserted that the League could neither be disrupted nor destroyed. Even should the League leaders be killed, the League itself could not be killed.

Mr. Jinnah added that no nation could erect or extend its economic, social or educational life without political power and authority being vested in the people. The entire life of a nation, again, was largely dependent on its co-ordinated economic position with heavy industries forming the backbone. He revealed that he desired not a Memon, Khoja or Bohra Chamber of Commerce but a

Muslim Chamber of Commerce. Efforts were being made to establish, in the first instance, provincial chambers. Some sort of a provincial chamber existed in Bombay, but he was glad to announce that in the past seven or eight months a start had been made in Sind and Delhi. He hoped that even Baluchistan would have its own chamber.

Once these provincial chambers were organised and established, they would all be made units of and federated to an All-India Muslim Chamber of Commerce. This idea was now receiving attention and he hoped to realise the formation of an All-India Muslim Chamber of Commerce with the collective authority of all the chambers co-ordinated to it. The power of such an organisation would be immense.

In paying a tribute to Mr. Jinnah, Mr. Haji Hasham Ismail, President of the Chamber, said that no leader, reformer or politician had achieved in the course of a century what the League President had in the course of two years.

*Times of India. 2nd October, 1943.*